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MARCH 14, 1994 · $2.95

THE NEW REPUBLIC

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WHAT HAPPENS WHEN PROZAC MEETS
HEALTH CARE?

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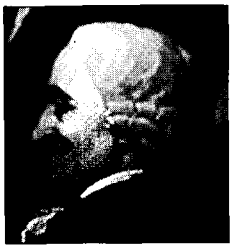

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CORRESPONDENCE

Is everybody happy?

To the editors:

In *Listening to Prozac* I describe the unexpected effects of a new antidepressant and ask whether our responses to such medication will include a change in the way we experience the self. In particular, I examine the temptations and shortcomings of an increasingly common perspective that I call biological materialism. *Listening to Prozac* is hardly the work of a Prozac enthusiast. I carefully discuss a series of worries about the widespread use of the drug. In presenting only one side of my discussion, David J. Rothman does worse than willfully misread the book ("Shiny Happy People," February 14). He appropriates my arguments and behaves as if they were his.

Every concern that Rothman raises—whether taking medication risks the loss of the special benefits of psychotherapy, whether Prozac is too "American" a drug in its facilitation of competitiveness, whether Prozac will challenge doctors' gatekeeping function—is raised in my book.

Contrary to the impression Rothman gives, *Listening to Prozac* questions reductionistic views of the self. For example, I analyze Jerome Kagan's work on shyness and conclude that much of the contemporary belief that personality traits are inborn rests on an overgeneralization of those research results. It is from this section of the book that Rothman quotes out of context my asking whether the relief of a patient's (Sally's) shyness is a removal of disability.

Much of the book is devoted to considering what would be an adequate explanatory model for the prevalence of personality traits related to minor depression and for their response to medication; the elements of this model include inherited risk factors, stress and other life experiences and societal values. Sally is a patient who appears to be congenitally inhibited and who was abused during adolescence; in adult life, her resultant personality style leads to social deprivation. My speculation that Sally, on medication, is able to marry "because she has achieved chemically the interior milieu of someone born with a different genome and exposed to a more benign world in childhood," is hardly breezy; the vignette's purpose is to personify for the reader a complex consideration of modern evidence about the relationship of temperament to personality.

Rothman's characterization of my clinical practices is likewise irresponsible. He mentions a patient (Julia) who had read an article I wrote about Prozac and wanted a prescription. Rothman quotes me as responding simply: "I gave her what she had come for." What he does not mention (although the chapter in question does) is that I first declined to medicate her and sent Julia, who had already had an unsuccessful course of marriage counseling, to a social worker for psychotherapy. Only after the social worker referred Julia back to me, indicating that the problem was a minor variant of obsessive-compulsive disorder, and after I had formed my own opinion to the same affect, and again after I had proposed various solutions related to Julia's marriage, did I address medication. The full sentence reads: "We discussed the risks and benefits of different approaches, but in the end I gave her what she had come in for."

Rothman complains that *Listening to Prozac* is not subtle; but it seems altogether too subtle for Rothman. (Does he really believe the phrase "cosmetic psychopharmacology" is an enthusiastic endorsement, or that the phrase is without irony?) In the book, I look at selected dramatic responses to Prozac—I write that good responders are a minority of those who take the drug—and ask what the implications of those outcomes are for the contemporary sense of self.

It is *Listening to Prozac*, and not Rothman's review, that put concerns about the successful use of new antidepressants on the national agenda. Rothman does not advance the discussion; he merely attempts to appropriate certain of the ideas.

PETER D. KRAMER
Providence, Rhode Island

To the editors:

Both David J. Rothman and his target, Peter Kramer, believe that there exists an underlying "real" personality or self that can be restored to health, either by the good, old-fashioned hard work of talk therapy (Rothman) or via the easy route of psychopharmacology (Kramer). But the research that produced Prozac shows there is no true self to be saved by either brand of psychiatry, only a relatively stable configuration of neurally instantiated dispositions and desires that may change in response to interpersonal or chemical influences.

If there is no core personality to serve as the goal of therapy, what might constitute a principled rationale for intervention? Although Rothman dismisses it as "too mundane," for most of those taking Prozac the rationale is simply to find a modicum of happiness, achieved by modifying personal dispositions (e.g., shyness) so that effective and rewarding behavior becomes possible.

Rothman implies that the private benefits obtained through chemical control of personality, and those obtained via genetic control of external physical characteristics, will inevitably be co-opted by the *social* control of the individual. He imagines that our various "true selves" will be sacrificed on the altar of efficiency, homogenized by the demand for continually enhanced performance.

But conformity and compliance are not necessarily entailed by access to chemical or genetic self-improvement since, after all, there are many different jobs to be done, and since our culture will continue to prize individuality (even if it turns out to have no essence). To deny individuals these opportunities for self-design would be the ultimate act of social control, and it would be ironic indeed if concern for the fictional "true self" were adduced as its justification.

THOMAS W. CLARK
Somerville, Massachusetts

David J. Rothman responds:

My concern that limits will not be set on Prozac's use, either by patients or doctors, is only increased by Peter Kramer's claim that his book is balanced and cautionary. If circumspection involves only including success stories and endlessly repeating that Prozac increases "social popularity, business acumen, self-image, energy, flexibility, sexual appeal," that it can change self-image overnight and that it "rewrites history," what are we to expect from enthusiasts?

Let me raise the case of Sam. In his introduction, Kramer reports that Sam suffered from a "brooding depression," took Prozac and got "better than well." But Sam reappears later in the book. He bumps into Kramer, tells him his depression has disappeared, but because he feels his personality has "lost some of its edge," he "'chipped' Prozac, taking a small dose daily." Sam had been afraid that Kramer might have refused to give him the drug, so he gets it from his internist. Kramer not only fails to criticize the internist, but declares: "And Sam had read me right. I would have been uneasy about prescribing Prozac to make him more mentally alert, although I might finally have done so." If "might finally" is a red flag Kramer is color-blind.

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Man and the single sex

To the editors:

In his article "Boys and Girls" (February 14), Jeffrey Rosen claims that if the Supreme Court were to hold that South Carolina may not continue to run The Citadel as a military college for men only, this "would surely mean the end of private as well as public single-sex colleges." Such a ruling might, of course, have the effect Rosen fears. But the Court could also order The Citadel to open its doors to women or shut them forever without compelling Wellesley to admit male students or forgo all public financial support.

First, tax breaks. It has been clear, at least since the Court's 1969 decision in *Walz*, that states may grant tax exemptions to religious organizations that advance certain secular purposes even if states may not give them cash subsidies. The same is true of the federal government, which is why Bob Jones University's commitment to what the Court described as "the teaching and propagation of its fundamentalist Christian religious beliefs" did not endanger its tax-exempt status. The Court might rule against Wellesley *if* the federal government attempted, as it did in *Bob Jones*, to withdraw Wellesley's tax privileges by arguing that single-sex colleges are contrary to established federal policy, as racial discrimination is. But if the federal government did not proceed against single-sex private colleges, the Court almost certainly would not compel it to do so (assuming that somebody had standing to bring a suit for this purpose, which is not obvious).

As for federal grants to college researchers, which benefit private colleges by paying for laboratories and other overhead expenses, the Court might very well treat them as it has treated tax breaks. They supply assistance to private institutions only indirectly, as part of a broad program of public support for plainly secular goals. They are not unrestricted payments to otherwise private entities, which would indeed be suspect if the Court ruled against The Citadel. So, while Rosen's worries are understandable, they should not be exaggerated.

ERIC RAKOWSKI
Berkeley, California

Going down

To the editors:

John B. Judis covers familiar ground in his article on the fall of American wages, but there are other reasons for the plight of workers ("Why Your Wages Keep Falling," February 14). One that has had a tremendous, hidden impact on wage scales is the growth of benefits in the past twenty-five years. In-house programs from day-care to alcohol counseling, and their administrative costs, use up money that could have gone toward increasing hourly wages. So, too, with pension benefits. Mandated pension benefits to retirees are an expense that limits what can be paid out to today's workers. In addition, today's workers, in nonunion as well as union workplaces, are covered much more generously, and much earlier, than those of a generation ago. That also comes out of current pay packets. Furthermore, government-mandated

WHY YOUR WAGES KEEP FALLING
THE NEW REPUBLIC
Zhirinovsky's Sex Life • The Republican Health Care Wimp-Out • The Dismal Lucian Freud
THAT
DAVID J. ROTHMAN WARNS: This Drug May Offer Pseudo Solutions to Real Problems. Take With Care.

entitlement programs take an increasing share of available money. Social Security payments, by the employer, have increased dramatically. Again, this is money that could have gone directly to workers.

Some of the decline in wages is also due to demographics. The workers of the '50s and '60s were Depression babies, a very small cohort. The U.S. population has increased by 100 million since the '50s, while our manufacturing base has declined. Thus, there are more workers competing for the fewer good jobs available. The end of mandatory retirement requirements at 65 also means that younger workers have to wait, sometimes forever, for promotions with concomitant increases in salary.

I agree that there has to be a new social contract between employers and employees, but some of that new contract has to include some redistribution from older workers to younger ones. That is not going to be easy.

PEGGY MCGARRAHAN
New York, New York

Obnoxious

To the editors:

In "Brother Act" (Washington Diarist, February 14), Leon Wieseltier applauds New York City Mayor Rudolph Giuliani for refusing to meet with the Reverend Al Sharpton. Scoffing at Sharpton's reminder that the Tawana Brawley affair "was '87 and this is '94," Wieseltier says, "Oh, I see. We are to remember the events of the last century and we are to forget the events of the last decade."

Yet Giuliani himself did not evince much concern about "the events of the last decade" when he quickly established a warm relationship with former Jewish Defense League terrorist and ultraconservative State Assembly member Dov Hikind, who is every bit as obnoxious a practitioner of "identity politics" as Sharpton. To be sure, Hikind has now "come around," and expresses his reactionary political views in lawful ways; yet he has never ceased being a "polarization profiteer," to quote Wieseltier's description of Sharpton.

Egregious double standards have already sullied Giuliani's record, at a time when tensions between blacks and Jews have risen to an alarming degree. Far from "striking a blow for sanity," as Wieseltier claims, Giuliani has himself perpetuated the politics of division. "Oh happy day," says Wieseltier. I beg to differ.

DAVID R. ADLER
Alliance for Judaism and Social Justice
New York, New York

Herculean

To the editors:

I am flabbergasted that you saw fit to recognize the reporting of Ted Koppel with a coveted nod in your "Clinton Suck-Up Watch" (Notebook, January 31), while completely overlooking the herculean efforts of Sidney Blumenthal.

Is there no justice?

DAVID WINCH
New York, New York

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TRB®

FROM WASHINGTON

Slav story

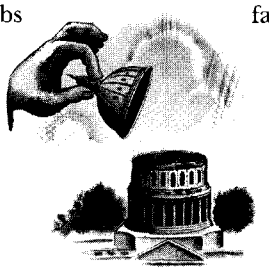
Russia had been defeated in a major European conflict; the great reforms were not achieving their expected goals. A united Germany had been created, and although it was at present an ally, the unification marked a resurgence of German power. The pan-Slav program offered a plan for Russian and Slavic greatness in a period of apparent national weakness, and its doctrines attracted a large number of highly influential people. [A leading diplomat] was a pan-Slav, but ... he was primarily interested in using the Slavic people for Russian aims. Pan-Slavism was, in fact, a fad; its influence in foreign policy was not long-lasting. However, a ... crisis ... in the Balkans allowed its proponents to play an influential role in the formation of foreign policy.

History quiz: The above passage is (*a*) Zbigniew Brzezinski's latest op-ed in *The New York Times* or (*b*) historian Barbara Jelavich on Russian policy toward Serbia in the 1870s. No prizes for (*b*). Now, for extra credit: Discuss. The test is open-book; you may crib from this edition of TRB Notes (gleaned mostly from Jelavich's two-volume history of the Balkans).

The stock interpretation of Russia's decision to place its troops between the Bosnian Serbs and NATO warplanes is that Yeltsin, hounded by the Russian right, acted out of solidarity with his country's historic allies and "Slav brothers." Russian soldiers downing Bosnian firewater show the unifying power of Orthodox Christianity. History is repeating itself. True—but only up to a point. The Russians and the Serbs have often used each other for their own ends. The born-again pan-Slav alliance could be as much a cynical revival of long forgotten nineteenth-century romanticism as anything else. The Clinton administration should not let it unduly constrain U.S. foreign policy.

In the history of European geopolitics, the "Eastern Question" was a scramble for power in the Balkans among Austria-Hungary, France, Britain, Russia and the weakening Ottoman Turks. The Russians waged war with the Turks for centuries, calling it a defense of Christendom. Peter the Great asked Balkan Orthodox Christians—the Serbs, Greeks and Bulgarians—to rise up in support of Russia's designs. (They didn't.) Catherine the Great's "Greek Project" used Christians to intrigue against the Porte.

In the nineteenth century, the Russian emperors put themselves forward as the protectors of the Serbs, even achieving that status formally in the memorable 1826 Convention of Akkerman. Russian terms for resolving the various wars with the Turks usually involved some concessions for the Serbs. This was popular: the Slavic Benevolent Society, formed in 1858 in Moscow, was just one influential group in Russia advocating pro-Serb, pro-Bulgarian policies. Russian volunteers, and even commissioned Russian officers, went to aid Serbia against the Porte—just as Russian soldiers of fortune aid Bosnia's Serbs today. Austria's ultimatum to Serbia in 1914 led Russia to mobilize for war.



Russian sympathy for the Serbs was genuine. But it was also a function of, and frequently subordinate to, less sentimental interests: the desire to seize an outlet to the Mediterranean from the Turks, and the need to maintain a balance of power in the Balkans and elsewhere.

During the Napoleonic era, for instance, the Serbs, rebelling against the Turks, asked repeatedly for Russia's help. Moscow never really delivered. In 1809 Russia was busy fending off France, so it negotiated the Treaty of Bucharest with the Turks. Russia effectively ceded Serbia back to the Turks: all the Serbs got was a promise of amnesty. Russia made this deal without consulting the Serbs. "The Russian government, although it offered some assistance, was quite willing to abandon its small ally when its European interests called for [that]," Jelavich writes.

The Russo-Turkish Treaty of San Stefano, signed in 1877, created a Greater Bulgaria at the expense of Serb territorial ambitions. Russia was obliged by the other powers to scrap it at the 1878 Congress of Berlin. Greater Bulgaria was erased from the map, but the Serbs had to swallow an Austrian protectorate over Bosnia-Herzegovina. This sowed seeds of revolt among the Bosnian Serbs, one of whom, Gavrilo Princip, shot Archduke Franz Ferdinand in Sarajevo as a protest.

In retrospect, the brotherhood between Russia and the Serbs looks a bit like a mutual hustle. The Serbs tried to shame the Orthodox savior into coming to their rescue. (But when that failed, the Serbs would appeal to non-Orthodox powers for help.) Egged on by pan-Slavists in Moscow, the czars periodically succumbed to the urge to save the Serbs, especially at times when Russian national pride was suffering for other reasons. Then they would back out, partially or fully, for the sake of more pressing matters.

Costly Balkan forays also eventually evoked some disillusionment. A. G. Jomini, an associate of Russia's foreign minister during the 1870s, wrote of "our Slav brothers, freed, who will astonish us with their ingratitude.... We should have done better to see to our own Slav Christians." This is not to mention the frustration of Russian agents in Belgrade over factional disputes among the Serbs.

There was, in short, a basic asymmetry to the relationship. The Russians loomed larger in the imagination of Serb rebels than the Serbs did in the calculations of the Russian statesmen. It reminds you a bit of the way Central American factions have drawn the United States into their struggles. We plunge in with righteous enthusiasm, only to retreat later, muttering about other strategic interests and the backwardness of our Latin friends.

Today, Boris Yeltsin has "saved" the Serbs (from themselves, mostly). Traditional national interests still matter, even in the new, multilateralist world order. Russia did what it had to do without checking with the United States first (Anthony Lake, take note). Conversely, American confusion in the Balkans stems from the *lack* of a traditional U.S. interest in the area. All we have to go on is inconstant moral outrage. Both the Bush and Clinton administrations have attempted to hand the crisis off to "the Europeans." But the Europeans, reverting to nineteenth-century type—and chastened by their own historical experiences in the area—can't agree on a common strategy.

The Russian promise of troops to protect the Serbs facilitated an end to the shelling of Sarajevo, and that is all to the good. The risk is that the Russians will remain in the driver's seat, securing unwarranted advantages for the Serbs, such as immunity from war crimes prosecution. Yeltsin would both appease the Zhirinovskyites and advance Russia's claim to supervision of the former Soviet neighborhood.

Bill Clinton should meet this gambit with appropriate cool. Thank the Russians when they're being constructive (as in stopping the shelling), but press America's own agenda when they're not (on war crimes, say). Concern about Russian sensibilities must not cloud the issue of aggression. The Russian commitment to the Serbs has always been strong, but also always something of a bluff. At some point Clinton should be prepared to call it.

CHARLES LANE

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THE NEW REPUBLIC

MARCH 14, 1994

THE UNIVERSAL FALLACY

In their on- and off-the-record denunciations of the health care plan sponsored by Representative Jim Cooper, White House officials have focused on one issue they hope will prove politically decisive: universality. The Clinton plan promises health insurance coverage to every American. The Cooper plan does not. Most people who know anything about the subject recognize that the 36 million or 37 million or 38 million Americans who lack insurance constitute the deepest problem of our current system. Thus the Cooper plan, according to White House spin, fails the first test of any health care reform, and rather heartlessly, too.

Unfortunately for the president, Cooper is not so easily dismissed. His bill, like Clinton's, addresses the predicament of the uninsured. And though it is impossible to predict with any certainty the ultimate result of either plan, there's reason to believe that where Clinton alone promises, Cooper would do as good or better a job of actually delivering coverage to those without it.

To make any meaningful comparison between the two plans, you have to answer the thorny question of who the uninsured actually are, and why they are that way. The problem breaks down into three main categories: (1) people who cannot obtain, or afford, coverage because of pre-existing medical conditions; (2) young, healthy people who can pay for coverage, but choose not to; and (3) self-employed people, or those with low-wage jobs that don't provide insurance, who can't afford to buy it themselves.

All the major bills—including even the Republican ones—would improve the lot of those in the first category by stopping insurance companies from gouging those who are or have been sick. This reform should take care of 3 percent of those now uncovered, according to a recent study by the Kaiser Foundation. The second group, people who make a rational decision to do without insurance, is only slightly larger—about 7 percent. These people are taking a foolish risk, and would be better-off under the paternalistic Clinton plan, which would require them to pay for coverage. But we should not lose too much sleep over this group. If someone doesn't want to insure his house, he has a right to do so, though it may burn down. What's needed is some form of free-rider tax, so that healthy people can't game the system by waiting until they get sick to buy insurance.

It's the third group, the structurally uninsured, that presents the most formidable challenge. Clinton tries to reach this group through a combined employer and individual mandate; Cooper, through an individual subsidy. Neither mechanism is leak-proof. In Hawaii, which has "universal" coverage resembling Clinton's, between 3 percent and 6 percent of the population remains uninsured. Hawaii's plan has existed, and has been continually upgraded, since 1974. Some people are just too confused, lazy or cheap to obey the law, and health care mandates are difficult to enforce. Others, especially part-time workers, simply fall through the cracks. In the nation as a whole, some 30 percent of the uninsured have no tie to any employer. Clinton's mandate would do a poor job of reaching them. But Cooper's plan is not without its own flaws: the biggest is that his proposed subsidy, tapering off at twice the poverty line, would be insufficient for many low-wage workers.

How many would go without coverage under the Cooper plan? There is no real way of knowing, or of determining how best to target them in a follow-up effort. What Cooper should do now is make his subsidies generous enough that his promise of universal *access* is real and not hollow. The reason to prefer the Cooper plan is not, as Cooper himself has sometimes suggested, that it's likely to be cheaper than the president's. With truly adequate subsidies, it would probably cost as much as the Clinton plan. But it would have other advantages: it would be simpler, wouldn't destroy between 300,000 and 1.2 million jobs, as the Congressional Budget Office says the Clinton bill would, and would do a far better job of taming health care inflation—the other major goal of reform. Most important, it would foster responsible behavior, not dependency.

Clinton appears to have absorbed from his pollster, Stanley Greenberg, the paleoliberal notion that the political payoff for health care reforms depends on creating a new entitlement. That was the case for FDR and Social Security in the 1940s, but it hasn't proved true for Democrats since the 1960s, when they created Medicare, Medicaid and extended welfare benefits. Those programs all created open-ended, unsustainable obligations on the part of the federal government, and did far less to help the unfortunate than originally anticipated. The great merit of the Cooper plan is that it aims lower, but stands to deliver much more. •

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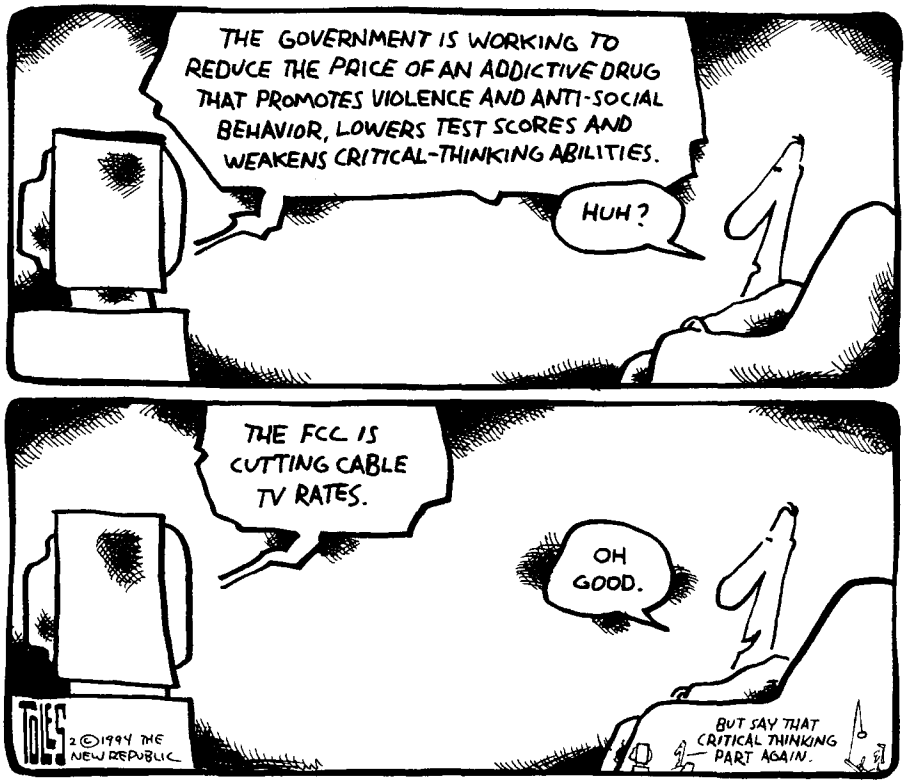
NOTEBOOK

THE LAST RADICAL: Edward Said has led a charmed life. By his own testimony his family left Jerusalem in 1947 not because of any Zionist nastiness but because his father thought staying would be "inconvenient"—not the only elite Palestinians to abandon the masses, leaving them to face the Jews alone. He had always been a man apart: an Anglican among Muslims, a Westernizer in a culture moving largely in the opposite direction. Said has been, for some years, first Old Dominion Professor and, then, Parr Professor of English Literature at Columbia. Soon he began to produce political tracts, tendentious and hysterical. He is a faculty club revolutionary, and his neighbors in the academy and elsewhere have reinvented him as a moderate. Said was Yasir Arafat's point man in America for two decades, the author of the PLO chieftain's gun-in-holster speech to the General Assembly and, then, the chosen apologist on talk shows and in universities for the enormities perpetrated on innocents by the PLO. From his perch in Morningside Heights, he was also the enforcer of the PLO line, bringing grief and ridicule to any Arab-American academic who strayed. In fact, Said was to Arafat as Han Suyin was to Mao—until the day before yesterday. Until, that is, Arafat, deprived of the backing of the Soviet Union and of Saudi Arabia (thanks to his own stupidity in the Gulf war), agreed to negotiate with an Israeli government eager to grant real political concessions to something very much like Palestine. When Arafat sat down with Rabin, Said suddenly found new strength. In a stream of interviews and articles, most recently in *The Nation* of February 14, Said has made himself independent of the man who put him on the world stage and whose image he has so lovingly burnished. This article, titled "Rally and Resist," exhorts Palestinians to rally and resist—not against Israel, against Fatah. Only now does Said tell us that Arafat is a tyrant and a bumbler. Never mind that Arafat has been governing the PLO autocratically since its inception. So why has Said suddenly found autocracy so offensive, and changed his mind? Because peace, if peace there will be, would put the ralliers and resisters out of business, and make his kind of trite and tweedy radicalism obsolete. Said seems to prefer his own ideological consistency to a change in the fate of his brethren on the unhappy ground. As Orwell once observed, there are some mistakes that only intellectuals can make.


THE GOVERNMENT IS WORKING TO REDUCE THE PRICE OF AN ADDICTIVE DRUG THAT PROMOTES VIOLENCE AND ANTI-SOCIAL BEHAVIOR, LOWERS TEST SCORES AND WEAKENS CRITICAL-THINKING ABILITIES.
HUH?
THE FCC IS CUTTING CABLE TV RATES.
OH GOOD.
BUT SAY THAT CRITICAL THINKING PART AGAIN.
TOLES ©1994 THE NEW REPUBLIC

CONDUCT BECOMING: One of the signs of a good reporter is his or her occasional bouts of unpopularity. The journalist Randy Shilts was constitutively unpopular where it counts most: among those he cared about. As HIV began felling people in the early 1980s, Shilts reported not simply on the negligence of the heterosexual authorities, but on the blindness of a gay subculture that chose political purity over reality. His book, *And the Band Played On*, is the definitive text of the way AIDS broke into American life. In the late 1980s he saw another pivotal story: the U.S. military's witch-hunts of gay personnel. His chronicle of that persecution, *Conduct Unbecoming*, is also the finest of its kind. Despite these two enormous accomplishments—the second (amazingly) in the face of the virus that eventually destroyed him—he remained a pariah among many gay activists. But Shilts played on, his lodestar a belief that gay men and women should be treated no differently than heterosexual men and women; that the sensitivities of victimhood should be eschewed for simple equality; that the reporter owes no one anything but a passionate commitment to the truth. That commitment Shilts fulfilled.

MR. SMITH COMES TO WASHINGTON: With this issue, Evan Smith, most recently of *Texas Monthly*, joins us as deputy editor. •

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SEXUAL HARASSMENT AND ACADEMIC FREEDOM

A Statement of the National Association of Scholars

Sexual harassment is always contemptible. Because it also subverts education, it is particularly damaging in an academic setting.

The **National Association of Scholars** believes that college and university authorities should respond to instances of sexual harassment promptly and firmly. Tenure does not protect faculty members found guilty of coercing sexual favors. Nor is academic freedom an impediment to the effective enforcement of prohibitions against lesser forms of harassment, such as inappropriate touching, that also exploit individuals and undermine the educational process. Such behavior constitutes a serious violation of an educator's responsibilities and is morally wrong. It cannot be tolerated.

However, academic freedom and the rights of individuals can be—and have been—violated by misguided efforts to combat sexual harassment. Too many institutions have adopted vague definitions of harassment that may all too easily be applied to attitudes or even to a scholar's professional views. Not surprisingly, a chill has descended on academic discussions of sensitive but legitimate topics, such as human sexuality, sex differences, and sexual roles. Worse, procedures have been widely adopted that violate the canons of due process. In a number of cases, the reputations and careers of innocent persons have been severely damaged as a result of unwarranted actions taken by college and university authorities.

Specifically:

- The criteria for identifying "harassment" are often nebulous, allowing for expansive interpretations of its meaning. For example, at one major public university, the official definition stated that "Sexual harassment can be as blatant as a rape or as subtle as a look. Harassment...often consists of a callous insensitivity to the experience of women"; in another official publication the university further advised that sexual harassment "is broadly defined to include behavior that may not be considered overtly sexual." Language like this can only breed confusion, resentment, and injustice.
- When definitions of sexual harassment are expanded to include opinions and attitudes, academic freedom is violated. Such definitions have already significantly inhibited discussion inside and outside the classroom. Ambiguous phrases like "callous insensitivity to the experience of women" have inspired complaints against professors accused of slighting gender-based literary analysis, or who have discussed theories and findings, such as Freud's, that run counter to the prevailing consensus about sexual differences.
- Some definitions of sexual harassment embrace a wholly subjective test of its occurrence—for example, the complainant having been made to "feel uncomfortable." Proof relies not on the objective behavior of the alleged harasser but on how one person perceived that behavior.
- Charges of sexual harassment are sometimes entertained long after the alleged offense, when the memories of the parties have faded, their motives have altered, and evidence has been lost.
- Mid-level administrators with meager academic experience but a strong commitment to fashionable causes are frequently accorded a major role in drawing up harassment regulations, interpreting them, counseling complainants, investigating charges, administering hearings, and determining guilt and penalties. Sometimes one and the same person performs all of these functions and, in addition, encourages students and others to make harassment charges. This leads to violations of academic due process.
- Investigations of alleged sexual harassment can provide a pretext for engaging in the ideological persecution of persons whose views are out of favor. When amorphous harassment regulations are enforced over-zealously, they encourage frivolous or self-serving charges from discontented or vindictive individuals.
- Collective penalties have been imposed on entire academic departments and groups of students for the actions, not always proven, of a few individuals. At one prestigious private university, every student, faculty member, and staff member was ordered to attend a three-hour seminar on sexual harassment because a federal agency found fault with the university's judgment in a case involving a single alleged harasser. It need hardly be said that finding persons guilty by association, or making a whole category responsible for actions only committed by one or a few, violates the principle of individual responsibility basic to our society. It is likely to arouse resistance against efforts to combat genuine sexual harassment.
- Some of the sanctions now in force aim at thought reform, frequently through compulsory "sensitivity training" programs. These programs often operate to humiliate those suspected of holding "incorrect views." They also frequently suggest that being white, male, or heterosexual constitutes a presumption of guilt. When *required* for faculty or students, these programs constitute an assault on individual dignity and freedom.

What we are witnessing, in short, is the transformation of a clear behavioral offense into a ubiquitous "thought crime" and the substitution of psychological manipulation for rational discussion. The resulting confusion of genuine harassment with less serious acts, and even with beliefs, brings anti-harassment policy into needless conflict with academic freedom. This confusion is bound to diminish the opprobrium that rightly attaches to sexual harassment. In the interest of protecting students and staff from genuine harassment and of preserving academic freedom, the **NAS** urges institutions of higher education to:

- define sexual harassment precisely, confining it to individual behavior that is manifestly sexual and that clearly violates the rights of others
- set a reasonable statute of limitations on bringing sexual harassment charges
- separate the offices of investigator, prosecutor, judge, and jury; observe the requirements of due process; and ensure the right of the accused to make an adequate defense
- punish those who knowingly lodge false accusations of harassment, and
- act against proven harassers forcefully, by dismissal if necessary, instead of coercing opinions and restricting speech

Anything less fails to protect students, faculty, and staff from sexual harassment. Anything more threatens individual freedoms and, most conspicuously, academic freedom.

For additional information about the **NAS** and its activities, including its research center, speakers bureau, search service, newsletter, state and regional affiliates, conferences, local events, and the quarterly *Academic Questions*, write to the **National Association of Scholars, 575 Ewing Street, Princeton, New Jersey 08540**, or call **609-683-7878**.

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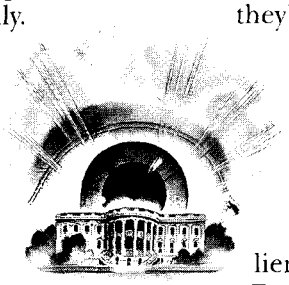
SAUDI DOODY

By Fred Barnes

As he schemed to get Saudi Arabia to buy $6 billion in commercial aircraft from American companies, Bill Clinton used one of the oldest White House ploys, the supposedly unplanned chat with the president himself. Among Clinton aides, this is known as a "preorganized" encounter. The pigeon was Prince Bandar bin Sultan, Saudi Arabia's ambassador to the United States. Sandy Berger, the deputy national security adviser, invited the prince to the White House in July for a talk about the Saudi plane purchase, then eagerly sought by both the United States and Airbus, the European consortium. "If you've got a few minutes," Berger told Bandar, "the president would like to see you." Bandar couldn't say no, of course, and Clinton was ready with the hard sell. Tell King Fahd, the president said, the deal is important to me personally.

It worked. Bandar went to Saudi Arabia for a visit, and returned in August with good news. The conventional wisdom had been that the Saudis would split the deal between Airbus and Seattle-based Boeing. Now, Bandar suggested, the king was inclined to buy all American planes. Clinton got on the phone to Fahd in hopes of closing the deal. This worked, too. Fahd committed himself to replacing the entire Saudi Arabian Airlines fleet with American planes. Clinton was so excited he telephoned Democratic Senator Patty Murray of Washington, forgetting to tell her to keep quiet about the deal. Murray blabbed to the press that the sale would be split between Boeing and McDonnell Douglas. No harm was done, though the deal wasn't finalized until January.



What's interesting about all this? Two things. One is the degree to which Clinton is willing to deploy his administration, including himself, to spur American exports. President Bush took auto executives with him to Japan in 1992 to press for sales there, but otherwise his efforts were fleeting. Clinton has a "national export strategy" relying on sustained, high-level government involvement. As Commerce Secretary Ron Brown described it on February 16, when the Saudi deal was formally announced, the strategy calls for the private sector to generate economic growth and jobs, and government to stand "shoulder to shoulder with American business and industry not only to help them compete but to win in this global marketplace." Whatever you call this—trade "advocacy" is the preferred term among Clintonites—it's not Bush-style free trade.

The other interesting thing is the commercial value of being the world's lone superpower. Clinton was not hesitant about exploiting Fahd's anxiety over developing strong ties with the new Democratic administration. The king, says a White House official, "wanted to build a relationship with the new president.... When the president made it clear [the plane deal] was something personally important to him, the king saw it as a way of solidifying [their] relationship." Fahd was made aware the purchase would help Clinton politically, especially in California.

Almost from Inauguration Day, Clinton began pursuing the Saudi contract. In February 1993 he dispatched Secretary of State Warren Christopher to Saudi Arabia with a letter to the king that included a pitch for planes. In May Brown went to Saudi Arabia. He took another letter from Clinton and spent nearly two hours discussing the matter with Fahd. The king, it turned out, liked the quality of American planes, but not their price. With oil prices down, Saudi Arabia has a cash flow problem. To help, the U.S. Export-Import Bank pledged to guarantee loans for more than $6 billion, meaning the Saudis could borrow at lower interest rates.

Fahd's promise to Clinton in August to buy all American planes led to what one White House official calls "a period of nail-biting." Fahd didn't tell anyone else what he'd decided, including the Europeans, who continued to lobby until they were informed in December that they'd lost out. The Saudis had to work out specifics. They also had to renegotiate a new schedule of payments for military purchases and craft a plan for cutting their own budget by a quarter. In January Brown made a second trip to Saudi Arabia. He was told the deal was set.

Clinton relished the moment. A year earlier, in a speech to workers at a Boeing plant in Everett, Washington, he had vowed America wouldn't give up "on the production of aircraft." He'd combat the subsidies given by European governments to Airbus. "We're going to try to change the rules of the game," he said. At the February announcement in the Roosevelt Room, Brown insisted Clinton had done just that. "President Bill Clinton has been such an extraordinary leader in opening up new doors and breaking down old barriers," he gushed. Clinton was more modest, lauding his Cabinet and White House aides. "We all spent a lot of time over a long period on this."

Salesmanship isn't everything. Geopolitics, a senior White House official says, was "an important factor" in closing the deal. Fahd was upset with European commercial overtures to his enemies. "He didn't like Germany's dealings with Iran and France's with Iraq," says the official. Who could blame him? American emissaries reminded him the administration "shares his view of these regimes as hostile." Clinton was surprised at Fahd's eagerness to embrace his administration. After conferring in Geneva in January with President Hafez el-Assad of Syria, Clinton called Fahd from Air Force One as he flew home. The king committed himself to

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the Middle East peace process, the official says. "The effusiveness of [Fahd's commitment] took the president by surprise."

At the White House ceremony, Bandar was also effusive, more about Saudi-American strategic ties than about the commercial arrangement. The Saudi-U.S. relationship "has long been based on two principles: mutual interest and mutual respect." Fahd, Bandar said, wants to add two more principles: "genuine burden sharing" and "fair two-way trade." "We believe it is your destiny to be the only superpower in the world," Bandar said. "As has been proven time and time again, Saudi Arabia is determined to be a strategic asset, and not a strategic liability."

How great an asset will soon be tested. American companies are bidding for a $1.5 billion telecommunications contract with the Saudis (AT&T) and a $1 billion contract for a power plant (General Electric). Will Clinton mount another sales campaign? The president is leery of acting like a commercial attaché. "When I think it is appropriate and potentially helpful, I don't mind asking for the business," he said. "But it's something I don't want to lay down a general rule of thumb on." Smart move. •

Yeltsin's military bluff.

MR. DOUBTFIRE

By Stephen M. Meyer

Russia, apparently, is attempting to come back as a world military power. Four hundred troops are on the ground in Bosnia; others are involved in "peacekeeping operations" in Georgia, Tajikistan and Azerbaijan. All this coincides with an increasingly "nationalist" foreign ministry, a newly assertive, and officially approved, military doctrine and a torrent of imperialistic threats against Russia's neighbors by Vladimir Zhirinovsky.

One can hardly disagree, then, with Defense Secretary William J. Perry's dark remark, made during his confirmation hearings, that Russia should be watched closely. Still, one is left wondering how all this squares with the scores of reports depicting the Russian army's decline. Is the Russian military on the rise? Should we reconsider our plans to drastically cut our defense budget?

The answer is no. What we are witnessing are the outer limits of Russian capabilities, not a slippery slope toward rampant expansionism. The Red Army is gone. Whatever Russia's intentions, and no matter how they may change, its political and economic weaknesses make any hope of re-creating its cold war military pure fantasy.

Certainly, no one should discount Russia's ability to destroy any country with its strategic nuclear force. This grotesque reality will not go away. Nor can anyone doubt the patriotism of the ethnic Russian population should mobilization be necessary to defend the homeland. But beyond that scenario, Russia's military will remain circumscribed for the foreseeable future. Indeed, with each passing month its power continues to decline.

Russia has approximately a quarter the number of people in uniform as did the Soviet Union just a few years ago. (The Russians now have 1.5 million compared to 1.7 million for the United States, 3 million for China and 2.5 million for NATO excluding the United States.) According to benchmarks set by the Russian government, the Army and Air Force are at half strength, and the Navy and Air Defense forces are even worse off. Russian military officials lament that sixty-man anti-aircraft batteries are now lucky to have staffs of a half-dozen. Only half the platoons and companies in the Moscow military district have commanders. In fact, the military has resorted to something that would have been unthinkable during the cold war: aggressively recruiting women. Advertisements tout the Air Defense force as a great place to meet eligible bachelors.

There is also conscription chaos. First, there are more deferment loopholes than ever before. Second, the government is too overtaxed to consistently enforce compliance for those who are supposed to report for service—only 50 percent of those called by the draft actually show up. This number is even lower in urban areas, which means the ranks are being filled with uneducated, technologically unsophisticated rural youths. Consequently, draft centers have resorted to dirty tricks. A Russian newspaper recently told the story of Sergei Detochkin, a young Muscovite, who, responding to a summons for what he was told would be a preliminary medical checkup, was instead whisked away to a draft center and into the army.

Such desperate actions help explain why the physical condition of recruits and personnel has never been worse. Even the vaunted "Spetznaz" units—elite special-operations forces whose candidates were once hand-picked, Olympic-class athletes—are now forced to take what they can get. Accounts of housing, food and heating fuel shortages are not exaggerations. This winter alone, the Army and Navy have suffered deaths from starvation and exposure. In one incident a military base in Russia's far east had its power cut off when it failed to pay its bill. The base commander had to threaten the electric company with a tank in order to get power restored.

Little wonder, therefore, that no serious military training is taking place, with the unfortunate exception of the live-fire conflicts that have erupted in the Caucasus and Central Asia. Most units are engaged in the basic task of getting by. This is probably just as well since there is little or no fuel, ammunition or supplies to carry out exercises. As Major-General Aleksandr Slukhay of the Air Force recently told a Russian newspaper, "Some days the flight time for all the Air Forces adds up to the num-

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ber of hours the regiment I previously commanded would have flown in a twenty-four-hour period."

Though there are no official estimates, gleanings from the Russian military press and conversations with officers suggest that only a quarter to half of Russian military hardware (about 80 percent of former Soviet military stocks) is usable. The numbers are highest in the strategic nuclear forces and lowest in the Air Defense Forces and Navy. The decision, announced last week, to mothball three Russian aircraft carriers bears this out. The protective weather housings and electrical components of Air Defense warning stations in outlying areas have been vandalized and sold off. The armor, artillery and troop carriers removed from Europe lie open to the elements, rusting and irreparable.

A decision to reverse these trends would produce no immediate results. The industrial base that supported the military is in chaos. Spare parts for most military hardware have not been produced in a year or more. Materials and components are no longer available. Tooling has been "converted" for peacetime use or sold off. Lubricants and fuels are next to impossible to find. And even cannibalizing is difficult because of vandalism, neglect and a shortage of trained personnel. Starting the war machine would take years of highly visible effort.

All this explains why a new imperialistic surge into Eastern Europe—or Ukraine for that matter—is out of the question. Remember that the Soviet military leadership was wary of adventurism even when its forces were at the apex of their power. The USSR aborted a planned invasion of Poland in 1981 despite having the largest army in the world and the grudging support of its Warsaw Pact allies (or at least East Germany). The military's counsel against invading Afghanistan also stands as testimony to its good judgment in such matters.

Moreover, no amount of exhortation by nationalist leaders can produce an immediate military turnaround. Small mobile forces, operations close to home and nuclear deterrence for core security are the realistic choices. The alternative would be to advance a defense policy based on illusion, much like SDI. Unlike Ronald Reagan, however, the Russians lack the money and the technology to make the charade convincing. Thus it makes perfect sense for the country to focus on the doable while making ambiguous noises about future capabilities.

How does all this affect U.S. policy? For starters, we should pay attention to Russia's capabilities, not its professed intentions. Rhetoric about retaking Eastern Europe is just that. If Russia remilitarizes in a way that would pose a threat to Europe, we'll know it—there will be plenty of signs. We should keep in mind, too, that our allies around Russia (old and new) have never been in better shape to counter aggression. NATO should therefore give up the idea of "moving eastward" to protect Poland, Hungary or any other state from the specter of a Russian invasion. If anything, such a move could lead Russia to blunder forward with remilitarization.

Finally, we should recognize that any Russian government may be tempted by perceived national interests to engage in foreign policy activities—including limited military adventures—on its periphery in much the same way the United States intervenes in Latin America. Some of these moves may collide with our interests and we should respond accordingly. But we should not fall into the trap of blithely casting every Russian action as a threat to us and an attempt to re-establish the glories of a holy Soviet empire.

STEPHEN M. MEYER is a professor of political science at MIT.

Cisneros wimps out on housing reform.

HUD-DLED MASSES

By Dante Ramos

When Housing and Urban Development Secretary Henry Cisneros appeared on the "MacNeil/Lehrer NewsHour" on February 14, he articulated a clear position on inner-city public housing: it makes poverty worse. "This is not a popular thing to say," he declared, "but the very concentration of large numbers of people who are poor, without role models, without hope ... become[s] unmanageable." Cisneros's statement echoed one he made to *USA Today* last June. "The most serious problem we have in America today," he said, "is the concentrations of our very poorest populations in ... specific neighborhoods." Cisneros was hinting at a New Democrat reform of the way the government spends money on the urban poor and their neighborhoods—getting the poor out of the ghetto. But so far, Cisneros has been all talk and little action.

The dry term "spatial deconcentration"—moving the ghetto poor into wealthier, suburban areas—emerged from the Kerner Commission's 1968 report on the Watts riots. Based on the idea that segregating classes or races perpetuates inequality, the report promised a way out of inner-city poverty. It eventually found its way into a few pioneering programs—Chicago's Gautreaux "dispersal" program, for example, which began in 1976. Soon after 5,000 poor black families in Gautreaux were given rental assistance and help finding apartments elsewhere, Northwestern University Professor James Rosenbaum found that "dispersed" mothers found employment in greater numbers (64 percent) than those who stayed in the city (51 percent). Likewise, dispersed children went to college more frequently than city-bound kids (54 percent to 21 percent), found full-time employment more often (75 percent to 41 percent) and were more likely to

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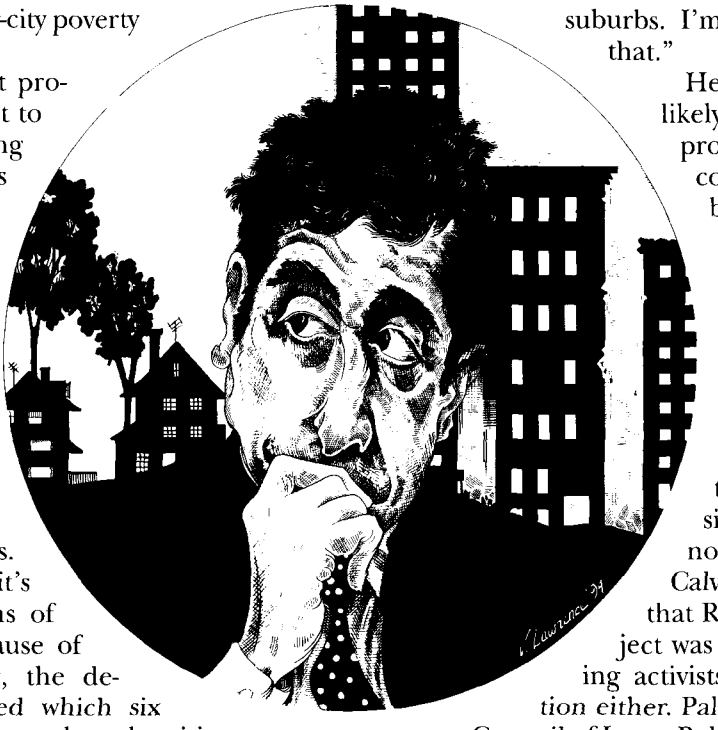
work in jobs with benefits (55 percent to 23 percent).

Of course, some of this happens anyway, without any government help. Between 1980 and 1990 blacks, who make up a disproportionate percentage of the public housing population, suburbanized at a faster rate than whites. But the disparity is still high. Today, some 67 percent of whites live in suburbs, compared with only 32 percent of blacks. Worse, suburbanization tends to increase with education among all races in some cities (e.g., Detroit) and among minorities in others (Dallas), and this relationship has grown steeper of late. That the least-educated citizens remain in the cities suggests that suburbanization, which has finally taken root among middle-class minorities, will leave the truly disadvantaged behind. Without government intervention, it could make inner-city poverty worse, not better.



Cisneros's reformist bent promised an aggressive attempt to reverse this trend. But during his first year in office, he's pushed few initiatives that would effectively move people out of poor neighborhoods. One proposal, a not yet operational plan called Moving to Opportunity, will give about 1,500 public housing families scattered among six cities Section 8 rent support and help finding apartments in low-poverty areas. Passed in 1992 by Congress, it's HUD's highest-profile means of suburbanization. Still, because of bureaucratic foot-dragging, the department hasn't announced which six cities will receive money. Even when the cities are chosen, the program's probable impact will be minimal. In Los Angeles, according to housing authority official Steve Renahan, only 230 new vouchers would be allotted for 32,800 public housing residents.

Cisneros also plans to more than double the number of new families receiving rent support each year, from 39,700 to 100,000. In theory, this means suburban moves should increase. Yet the voucher plan doesn't require recipients to leave their old neighborhoods. Housing authorities report that in some cities, such as St. Louis, more than 25 percent of past recipients have moved to the suburbs, yet in others, such as Los Angeles and Detroit, fewer than 10 percent have left. Anyway, even a plan this size will barely dent the public housing population, now about 4 million.

Cisneros hasn't seamlessly handled lesser initiatives, either. With HUD money, Chicago Housing Authority Chairman Vincent Lane hopes to dynamite three high-rises at Cabrini-Green, his city's notorious housing project, so developers can build market-rate, mixed-income housing. Only one of the high-rises, with 131 units, contains any residents, and they would have to be dispersed. New scattered-site public housing outside the neighborhood, along with vouchers, would help them relocate. Yet Cisneros has allowed two liberal Democratic House members, Bobby Rush and Cardiss Collins, to hold the project hostage. When the Cabrini grant application came up for review last October, HUD approved it. Rush and Collins, who represent Chicago districts with large numbers of public housing residents, were miffed at Lane for leaving them out of the negotiations, so Rush called Cisneros to complain, and the application was deapproved. "It was a done deal until I cranked up the motor on it," Rush brags. Two months later, he relented, and Cabrini got its money. But he's still complaining: "There's a rush to move poor people to the suburbs. I'm somewhat suspicious of that."

He's not the only one. A likely reason for Cisneros's slow progress is that opposition comes from all around—beginning with public housing tenants themselves. Even though Lane claims that a "silent majority" of tenants side with him, political momentum opposes the renovation. Hattie Calvin, the president of a Cabrini tenant association, first signed off on the plan but now opposes it. In December Calvin told *The Chicago Tribune* that Rush's approval of the project was a "backstab." Some housing activists don't like deconcentration either. Paleoliberal groups from the Council of Large Public Housing Authorities to the Low-Income Housing Coalition to the NAACP Legal Defense and Education Fund back Cisneros's desire to lower discriminatory barriers, but disagree about the value of integration. "Who would want to move into a milquetoast community where your children get made fun of because they're different?" asks Yusef Mgeni, who heads The Housing Coalition in St. Paul, Minnesota.

More predictable opposition comes from urban conservatives, who aren't committed to integration as an instrument of racial justice. Robert Woodson, president of the National Center for Neighborhood Enterprise and an Empower America board member, argues that allowing tenants to manage public housing increases social cohesion: "Our experience with high-rises is that when you truly empower the residents and arm them with money and other resources, you see a dramatic change." Never mind that nearly all job growth occurs in the suburbs. Some New Democrats, meanwhile, have mixed feelings about Cisneros's plan. Will Marshall president of the Progressive Policy Institute, says tha while he supports Gautreaux-style experimentation, "

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big part of the American value system is based on moving as you get richer." Dispersal, he says, mucks that up.

Yet another bloc of dispersal opponents consists of suburbanites and better-off city-dwellers who assume that some people who leave crime-infested neighborhoods might be criminals. In Chicago, one housing official says that property owners are worried that Cabrini crime might "spill over" into their neighborhoods. Others are less polite. Mgeni notes that participants in a town meeting in suburban Maple Grove urged one housing developer to "keep those spooks in Brooklyn Park!"

At this point, the main fans of Cisneros's approach are a handful of wonky liberal academics and state officials—and even they can't agree on the best way to push suburbanization. Former Albuquerque mayor David Rusk says the practice creates "sociological elbowroom" within metropolitan areas but claims that state and local rules are more important to breaking up poverty than federal ones. He praises affordable-housing quotas in Connecticut and in Maryland's Montgomery County. Minnesota State Senator Myron Orfield of Minneapolis would penalize areas that aren't so generous and would cut off highway funding and sewer line extensions to suburbs that resist. Rosenbaum, meanwhile, favors more forceful efforts. "The more you rely on free choice," he says, "the more you get segregation."

Deconcentration boosters are not tripping over themselves to stoke the issue, though. After appearing with Lane on "The Oprah Winfrey Show" in 1992 and watching an audience of public housing residents tear into him, Rosenbaum was offered a chance to plug the Gautreaux program on "Donahue." He declined. That's not the kind of pressure Cisneros needs to put his good intentions into practice. •

How workfare can work.

THE DOLE HOLE

By Paul Offner

The welfare reform debate is heating up. For weeks, officials of the Department of Health and Human Services have been arguing over how many public jobs the government will have to create to satisfy President Clinton's requirement that welfare recipients go to work after two years on the rolls. The estimates vary widely: 2.3 million, says a confidential HHS memo leaked to *The New York Times*; 500,000 to 1 million, says an HHS spokesman. (The right number is probably closer to 1.2 million.) The number matters, because it will greatly affect the cost of any welfare reform package. If the 2.3 million figure is correct, for example, the Clinton plan will cost about $20 billion per year, according to the *Times*. If the lower number prevails, the cost will be more like $7 billion.

But whoever is right, a more basic question remains: Where will these jobs come from? This is something we have heard almost nothing about from the administration over the past year. And now that it is getting ready to send Congress a bill, we hear even less on the subject.

In December, after a year of study, the president's thirty-two-member task force on welfare sent the White House a paper advocating an employment strategy ("work is central to the strength, independence and pride of American families," it said). But its focus is on private-sector employment. Nowhere in the report is there any discussion of how to create enough public service jobs to employ those who can't find private jobs when they hit the two-year limit.

The task force isn't alone in downplaying the job creation problem. In January the American Public Welfare Association, which represents the country's state welfare directors, came out with its own report, "Responsibility, Work, Pride," which also advocates a work strategy. But again, there is little mention of public-sector employment. The focus is on private jobs, even though the directors acknowledge that most welfare mothers won't find such jobs. Government-provided community jobs should be "available as a last resort," it reads.

This attitude isn't surprising: welfare administrators have never liked "workfare." In their latest report, the welfare directors argue that the responsibility for workfare, job development and job placement be transferred to other agencies. In other words, they support the work strategy as long as someone else has to find the jobs and put recipients to work.

Many of the country's governors are of like mind—they're all for work as long as it doesn't involve many public jobs. "I don't see us going back to a massive public works program," says Michigan Governor John Engler, referring to programs created in the 1960s and '70s. "The whole concept is not going to work unless you get a strong commitment from the private sector," adds Ohio's George Voinovich. And William Weld of Massachusetts proposes to cut his state's AFDC caseload in half through private-sector employment.

That may sound promising, but no one who has studied the subject, including the oft-cited Manpower Demonstration Research Corporation (the premier welfare research organization), has come up with a way to cut the welfare rolls significantly through private-sector job placements. Even successful state demonstrations such as the Arkansas WORK program and the San Diego SWIM initiative reduced caseloads by no more than 5 to 10 percent. The conclusion is clear: any serious work requirement will depend heavily on public jobs.

Creating them will be a major challenge. A large federal jobs program will revive the criticism that undermined the Comprehensive Employment and Training Act of 1973, our last major public jobs program for the unemployed. The unions will be threatened; conserva

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tives will rail at the cost; and local governments will complain about the difficulty of finding jobs for people, many of whom have little training. But if we fool ourselves into believing that most of these people can find private employment, the effort will fail. The work requirement will be a joke, and people on welfare will know it.

In the midst of all this opposition to public jobs programs, however, at least one city is attempting to prove that they can work. A year ago, Milwaukee Mayor John Norquist set up a committee of top city officials and community representatives to figure out how to find work for the city's 43,200 welfare recipients—General Relief recipients (mostly men) and AFDC mothers.

The Committee's report, issued last November, identifies 50,020 public jobs that could be created for welfare recipients. For example, 5,000 could be employed in housing rehabilitation, working on the kinds of small-scale projects (asbestos removal, lead abatement) in individual homes that the Milwaukee unions turn down in favor of larger commercial contracts. This would be especially attractive to homeowners, since they wouldn't have to pay union wages. The report also lists 10,000 slots for neighborhood patrollers. Equipped with radios (not guns), they would canvass high-crime neighborhoods in pairs, keeping an eye out for suspicious behavior to report to the police. This concept was tried successfully under CETA, and many of these aides went on to take permanent positions in public safety or private security firms. Another 10,000 individuals could become sanitation workers. Six thousand could work as education aides helping teachers with attendance and discipline. And so on. All of the jobs would pay the minimum wage. And, according to the report, "they would be real jobs from which individuals could be fired or disciplined for misconduct or nonperformance."

Norquist was able to circumvent the usual opposition of labor unions to work programs by inviting union leaders to sit on the committee. That meant they had a veto over the jobs that the committee could create, a major concession. But it turned out to be a wise choice. While the unions did veto some positions, the committee came up with more than enough work to employ all welfare recipients. And labor became an active supporter of the effort, according to Bruce Colburn, secretary-treasurer of the Milwaukee Labor Council.

Milwaukee has come up with an impressive plan because its leaders decided that putting welfare recipients to work was important to the community. Elsewhere it is different. In most localities, the individual responsible for finding jobs for welfare recipients holds a junior position buried in the welfare bureaucracy, lacking either the stature or the staff to bring together businesses and unions to address the problem.

The best way to change that is to give the states a financial incentive to put their welfare recipients to work. For example, the feds might pay 40 percent of benefits for AFDC mothers who don't work, leaving the balance to the states and localities, but pick up 70 percent of the tab of working recipients. The federal government picks up an average of 55 percent now.

There are those who say that creating 1.2 million public jobs for welfare recipients is beyond our reach. That's the view of Richard Nathan, who headed up a forty-site evaluation of CETA. His analysis cannot be dismissed lightly. In New York City, for instance, there are 125,000 employable AFDC adults. Finding that number of jobs in the public sector would be equivalent to a one-third increase in the city's municipal work force. Such an effort may be more than our political and governmental systems can handle.

But this is not the time to give up. If enough jobs cannot be created for all those who are still on the rolls after two years, the president's plan can be pared back. The work requirement could be limited to certain priority groups—teenage parents who are not in school and other young heads of households, for instance. But in the final analysis, the question is whether we really want to convert welfare to work. The Milwaukee experience suggests it can be done, if the will exists.

PAUL OFFNER is a legislative aide to Senator Daniel Patrick Moynihan. The views expressed here are his own.

The latest Menendez trial.

OH, BROTHER

By Mark Leyner

Aaron and Joshua Zeichner are twin brothers charged with first-degree murder in the artillery, grenade and submachine gun killings of their parents, Sam and Adele. Aaron and Joshua, 23 years old, are being defended by the impassioned, histrionic, tactically virtuosic attorney, Susannah Levine. Levine has argued that her clients, who admit to the killings, were induced by irrational fears into believing, mistakenly but honestly, that their parents were about to kill them. Mounting a defense that featured a cavalcade of expert witnesses and culminated in the riveting and lurid testimony of the brothers themselves, Levine has methodically constructed the theory that even though they were not at the moment of the killing under direct threat, the Zeichner twins killed their father and mother out of fear for their own lives. Levine has implored the jury to apply the concept of "imperfect self-defense" and render a verdict of voluntary manslaughter—a verdict that would save the twins from the electric chair and might result in prison terms of only several years.

But here all similarities to the Los Angeles trial of

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Erik and Lyle Menendez end.

Unlike the Menendez boys and their attorney, Leslie Abramson, who claim that a history of abuse made the brothers fear that their parents were about to kill them, Levine and the Zeichner twins maintain that, conversely, it was a history of loving, exemplary parenting that drove the boys to kill their mom and dad in self-defense.

It's unfortunate that the Menendez trial—set amid the wealth, privilege and glitter of Beverly Hills, showcased by daily coverage on Court T.V., decocted for the rabble each morning in indignant tabloid bold and expatiated upon by an all-star squad of belletrists wringing Racinian drama from the ergonomic keyboards of their PowerBooks—has all but eclipsed the Zeichner case. Trent Oaks—where Sam and Adele Zeichner were slaughtered in a twenty-minute barrage of howitzer shells, rocket-propelled grenades and expanding 9mm Luger combat rounds as they sat in their den working on Aaron's University of Pennsylvania application essay—is no Beverly Hills. It's a rather unremarkable middle- to upper-class suburb whose shopping mall and high school soccer team are its main sources of pride and distinction.

No cable channels, no tabloids, no Dominick Dunnes have found their way to the modest, stucco, Tudor-style Trent Oaks County Administration Building. In fact, the gallery is often empty except for family members, a prospective witness or two and me. (I'm covering the Zeichner trial for the German magazine *Der Gummiknüppel.*) The disparity in media attention is particularly regrettable because the Zeichner case provides an even more illuminating anatomy of the "imperfect self-defense" theory—and its implications for our society—than does the Menendez trial.

Here we have no abusive miserable childhoods, no tyrannical father, no disturbed mother. We have, to the contrary, a pampered Edenic youth. We have Sam Zeichner, a father who undergoes rotator-cuff surgery just so he can pitch batting practice to his 8-year-old son, Aaron, an uncoordinated, astigmatic child dying to make his local Little League team. Sam Zeichner, a father who spends a month of weeknights and weekends sculpting a topographical battlefield map of Waterloo out of marzipan for little Joshua, a Napoleonic War buff with a bulimic craving for molded almond paste. And we have Adele Zeichner—vivacious, gregarious, resourceful, indulgent Adele Zeichner—who, determined to give her children every possible advantage, commuted to work with Walkman earphones splayed against her pregnant belly so that Aaron and Joshua could listen—in utero—to Telly Savalas reading Pindar's Epinician Odes in ancient Greek. Adele Zeichner, racking her brain each and every morning to come up with a new sandwich for her boys to take to school. From Fluffernutters and clotted cream on date-nut bread to shaved Kobe beef on crustless challah and tripe with melted Stilton on focaccia—in twelve years of public education the Zeichner twins never found the same sandwich in their lunch boxes. (A logistics expert testifying for the defense estimated that Adele Zeichner prepared more than 1,920 unique sandwiches for her boys.)

Photographs of the boys' bedroom reveal children who wanted for nothing: there were large-screen televisions, CD-ROM computers, cellular phones, vintage Coke machines, souvlakia rotisseries, etc. Birthdays were celebrated with Hammacher Schlemmer catalog binges, backstage passes for Def Leppard, Super Bowl box-seats on the fifty-yard line, treks through the Ecuadorean rain forest. How many kids do you know who received blowguns, curare-tipped darts and a three-layer manioc birthday cake from hallucinogen-addled Jivaro headhunters for their tenth birthday?

But this wasn't simply a case of parents obliviously lavishing material objects on their children. There was nurturing and understanding and support at every juncture of their upbringing. There were special tutors if the boys had trouble with algebra, sports psychologists when they faltered in gym class. When the time came for those inevitable adolescent experiments, be it Satanism or transvestism, mom and dad were right there to facilitate these difficult rites of passage—Sam rummaging through his cartons of college books for a volume of Aleister Crowley, Adele loaning Josh a velvet-piped, silk chiffon Carolina Herrera for a cruise through the mall. Never was a hand raised in anger, never was a sarcastic or deprecating remark directed at those boys. Often neighbors would notice lights in the master bedroom burning deep into the night as Sam and Adele sat and listened patiently to their sons' teenage tribulations, determined to treat them respectfully, without carping or condescension.

And with each caring gesture, Aaron and Joshua grew increasingly certain that their parents were going to kill them. The more sympathetic and generous Sam and Adele were, the more fearful their sons became that their parents were about to snap. Or so Susannah Levine would have us believe.

As argued by their attorney, and according to their own sworn testimony, the Zeichner twins had become inculcated by television with the belief that normal parents are confrontational, contemptuous and abusive. Consequently, they perceived their parents' gentle and empathic behavior as "bizarre," "frightening" and, ultimately, "a grave threat."

Addressing the jury in her opening remarks, and frequently punctuating the idea by banging her head against a stanchion near the jury box, Levine asked: "How many made-for-television movies, how many celebrity confessions, how many episodes of '60 Minutes' and '48 Hours' and '20/20' and 'Prime Time Live' and 'Eye to Eye with Connie Chung' did these boys have to watch before they became convinced that normal parenting is abusive, that the relationship between a parent and a child is violently adversarial—and that their parents, Sam and Adele Zeichner, were *not normal*, that something was terribly, terribly odd about the way their parents were treating them? In Aaron and

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Joshua's minds, their parents were either consciously dissimulating—in other words, perpetrating some sort of evil ruse to lull the boys into a false sense of security—or they were unconsciously repressing their inner desires to kill their children. To Aaron and Joshua, each new gift and each successive gesture of compassion brought them one step closer to what they called 'the breaking point.' "

Under direct examination, Joshua discussed the time he and his brother first realized their parents were spinning dangerously out of control.

LEVINE: Was there a time when you and Aaron were *not* scared of your parents?

JOSHUA: When we were very young, we thought that the way our parents behaved was normal. We just figured that's how every family was—until we became aware of how other parents treated their kids.

LEVINE: You became aware of this from watching television?

JOSHUA: From T.V. and from other kids.

LEVINE: Was there one incident in particular—a dinner?

JOSHUA: Yeah. I'd been bugging mom for a week or so to make lobster in black bean sauce, which was one of my favorite things. So this one day mom decided to make it for me and she told me to invite a friend. And as soon as she came home from work that afternoon, she started cooking. And it's a pretty involved meal because she makes all these side dishes and everything so it was taking a really long time and me and Aaron and our friend Sean, who was eating over, we got really hungry, so we went to Wendy's and we just stuffed ourselves. And then when we got home, we saw that mom had set this beautiful table and she looked really tired but she was sort of beaming because she knew how much I loved what she'd made. Anyway, we all sat down, and me and Aaron and Sean couldn't eat a single bite we were so stuffed. And we had to tell my parents that we'd just gone out to Wendy's because we hadn't felt like waiting.

LEVINE: And what did your parents say?

JOSHUA: They said they understood that sometimes when you're very hungry, your stomach gets the better of you, and mom said don't worry about missing out on the meal, that she'd make lobster in black bean sauce sandwiches for us to take to school tomorrow. And they said it was silly for us just to sit there at the table—why didn't we go off and play and have a good time.

LEVINE: When you were all off by yourselves that night, do you remember what your friend said?

JOSHUA: He said that our parents were really, really weird. He said that if he'd done what we'd done his parents would have beaten him within an inch of his life. He was just astonished and I think appalled at how our parents reacted.

LEVINE: Do you remember how you and Aaron felt that night?

JOSHUA: Very, very scared.

LEVINE: Joshua, I want to leap ahead now from this first night of fear to your final, culminating night of fear. On the night after your high school graduation, did your parents present you and Aaron with graduation gifts?

JOSHUA: Yes. Our parents gave each of us a brand new Infiniti J30.

LEVINE: And do you remember how you felt that night?

JOSHUA: We were absolutely *terrified*. We felt that this was the final straw. And we knew that unless we did something first we were goners.

LEVINE: When you say, "the final straw" and "goners," what do you mean?

JOSHUA: That they were going to kill us.

LEVINE: And by "doing something first," what did you mean?

JOSHUA: A pre-emptive strike.

The "pre-emptive strike" that Joshua Zeichner referred to in his testimony will certainly go down in history as one of the most brutal assaults in the annals of parricide.

The boys positioned a 105mm howitzer on a small hill several blocks from the Zeichner residence. Using infrared and night-scope equipment, they launched a fusillade of artillery rounds on their home. Scores of spent brass casings found by police offer grim testimony to the relentless salvos. Following the howitzer barrage, the twins drove one of the new Infiniti J30s back to the house. From the trunk of the car, they removed a Soviet-made RPG—an infantry-held, anti-tank, rocket grenade launcher—a Heckler & Koch MP5SD3 9mm submachine gun and a Glock twenty-round 9mm semiautomatic pistol. Aaron, wearing IL-7 Mini-Laser IR illuminator goggles attached to a Kevlar infantry ballistic helmet, knelt on the front lawn and fired a dozen of the cone-shaped, armor-piercing, rocket-propelled grenades into the den where his parents had been working. The boys then clambered through the den window and raked the room with 9mm submachine gun fire.

Aaron offered details of the assault when he testified under direct examination:

LEVINE: Do you know what your parents were doing in the den?

AARON: They were writing Josh's essay for Penn.

LEVINE: Why were they writing it? Why hadn't Josh written his own essay?

AARON: Josh had just thrown together this really awful essay. You couldn't even call it an "essay," it was just this piece of garbage he scrawled down in two minutes and he showed it to our parents and they said, "Dear, why don't you work on this a little more and see if you can refine some of the interesting thoughts you sketched out here" or something like that. And it was due the next day. But Josh didn't want to work on it that night.

LEVINE: Can you recall why not?

AARON: I think because "Baywatch" was on—that was one of our favorite shows.

LEVINE: So when your parents asked Josh to rewrite his essay and Josh said no because it conflicted with your plans to view "Baywatch," how did your parents react?

AARON: They said something like, "Josh, you've been under a lot of stress lately, why don't you enjoy your program with your brother and we'll write the essay for you."

LEVINE: How did that make you feel?

AARON: Absolutely terrified. We were sure at that point that our parents were planning to kill us.

LEVINE: Can you explain to the court why you thought that?

AARON: We just thought it was like the final stage in their whole passive-aggressive approach to us—this whole being-so-super-nice-to-us thing had to flip into the really hostile thing sooner or later, and we decided that night that it was going to happen.

LEVINE: How many artillery shells hit the section of the house where your parents were working?

AARON: I think we got three or four direct hits.

LEVINE: Then you two went in?

AARON: No. First I fired a couple of the grenades into the den.

LEVINE: You were the first to enter the den?

AARON: Yes.

LEVINE: Was your father alive?

AARON: No.

LEVINE: And your mom?

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AARON: She was alive—barely.
LEVINE: Aaron, how many rounds does a Heckler & Koch 9mm submachine gun magazine hold?
AARON: Thirty-two.
LEVINE: And how many magazines did you and your brother fire?
AARON: I think we went through about eight clips.
LEVINE: And then what happened?
AARON: We ran out of ammunition—and mom was still alive. So we decided to go to the store and buy more, but we didn't have any money.
LEVINE: What did you do then?
AARON: I asked mom for money.
LEVINE: And what did she say?
AARON: She said to get her wallet out of her pocketbook and take what we needed.
LEVINE: And when you returned home with fresh ammunition, what was your mother doing? Was she trying to get out of the room?
AARON: No, she was trying to finish the essay.
LEVINE: Your honor, I have no further questions for the witness at this time.

Susannah Levine is one of several controversial defense lawyers, both lauded and vilified by their colleagues, who bring the full weight of their notoriety to bear on every case they try.

National Association of Defense Attorneys President Blair Potters, introducing Levine at a recent NADA junket in Cozumel, Mexico, said: "Imagine a Mayan architect-priestess who transforms a rank, uninhabitable tract of jungle into an intricate maze of aqueducts, sluices and sewers whose mathematical and astrological symbology is only apprehensible when viewed from an airplane, and you'll have some idea of the scope of Susannah Levine's accomplishment in constructing cogent, elegant defenses out of the tangled mental landscapes of her clients."

Of all Levine's courtroom maneuvers and pyrotechnics, none provokes as much debate and invective as her zealous advocacy of the imperfect self-defense theory—the theory that a person, although not actually under attack, but who *believes* that he or she *will* be killed, can claim self-defense as a mitigating and even exculpatory motive in the commission of a homicide.

Walter M. Elkin, a former prosecutor and now a law professor at FIT in New York, has written a series of op-ed pieces denouncing the theory as "nihilistic," and criticizing Levine for what he calls "pernicious and self-serving evangelism."

"If we allow people to murder each other as a result of perceived threats of hypothetical menace, our communities will quickly disintegrate into atomized, internecine war zones," Elkin said. "We will become a nation of 250 million belligerent tribes of one."

Levine is unapologetic. "My responsibility is to defend my clients to the very best of my ability. If I'm shrill or monomaniacal, it's because I care so deeply about them—they're decent people who've been caught in the undertow of a paradoxical culture, and they're thrashing in the dark to stay alive.

"The cold war didn't end, it devolved from the geostrategic to the interpersonal. Imperfect self-defense is just a legal byproduct of the pre-emptive first-strike doctrine that now governs our behavior on the streets and in our bedrooms. We need to move toward an interpersonal version of MAD—mutually assured destruction. If each of us is sufficiently armed and booby-trapped to ensure massive reciprocal damage to everyone else, we might be deterred from murdering one another. There will be a kind of pandemic stalemate, and then you won't need people like me ranting in courtrooms, banging our heads and spitting up in the name of justice."

On completion of the Zeichner case, Levine is off to Minneapolis, where she's defending a young woman who, believing that her parents thought she was going to kill them, deduced that they were going to pre-emptively kill her, so she killed them first—in other words, pre-empting an erroneously anticipated pre-emption.

"This should be a wild one," Levine enthused. "We're dealing with infinitely reflecting mirror images of fear—Chinese boxes of paranoia within boxes of paranoia."

Late one afternoon—the Zeichner case had just gone to the jury—I watched Levine toss her briefcase into a factory-fresh, jade-green Infiniti J30 parked in front of the Trent Oaks County Administration Building. She saw me scrutinizing the car.

"It's my retainer," she shrugged.

"Is that Aaron's or Joshua's?" I asked.

"Aaron's. I actually like Josh's better—it's red—but they impounded it as evidence."

I laughed.

"Seriously," she said, "if you ever kill your parents...."

She handed me her card.

"Listen, my parents were pretty wonderful," I said, "but they were no Sam and Adele Zeichner!"

She shook her head ominously. "They were probably much better than even you know. You probably don't even remember the *really* good things they did to you. It could take years of therapy before it all comes out."

She revved the engine and vanished in a plume of exhaust.

The streets were empty thanks to the draconian provisions of a newly enacted curfew that prohibited armed teenagers from congregating in public after 3 p.m. The crepuscular sky was a pousse-café of azure, rose and vermillion.

I popped a cassette into my Walkman, and listened as Telly Savalas intoned Pindar's twelfth Olympian ode:

hai ge men andrôn
poll' anô, ta d' au katô
pseudê metamônia tamnoisai kulindont' elpides

"Men's hopes, in endless undulation, soar and plummet, borne on falsehoods, that heave and tumble, in the wind."

MARK LEYNER is the author of *Et Tu, Babe* (Vintage).

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

A Balance of Power

A basic premise of many school reformers is that central authority is inherently bad because it stands in the way of innovation and change. So the first step toward improving schools, they say, must be to loosen the control of school boards, superintendents and central bureaucracies—or remove it altogether—and hand power over to people at the school level.

There are many school reforms that illustrate this. Charter schools encourage groups of teachers and others to set up schools which, though funded by tax money, are independent of local school authorities. School reform in Chicago has set up a system in which schools are run by locally elected committees with substantial authority over school budgets and school improvement programs and the power to hire and fire principals. And a state-wide choice program in Minnesota loosens the power of central authority over individual students by allowing them to enroll in any school they choose throughout the state.

So it's surprising that Ramon Cortines, the chancellor of the New York City schools, was applauded last week when he ordered one of the city's 32 community-controlled school boards to take back the superintendent it had fired. If local control is so good, why is there so much support for a chief central bureaucrat who has just issued a top-down order to a locally elected school board?

The answer is that the board in question is famous for its corruption. A *New York Times* editorial (February 16, 1994) contrasts its dismal record with the excellent one of the superintendent it ousted (during his two years in office, test scores rose in a number of schools and a budget deficit was wiped out). Clearly, sometimes central authority can be exercised to improve schools, and sometimes local control can turn them into a shambles.

In a decentralized system like the one in New York City, you're going to get districts where a superintendent and board work together in relative harmony to achieve good things for the students. But there will also be districts where the boards hire principals and even superintendents on the basis of who they know rather than what they can do and where educating kids takes a back seat to providing jobs for cousins, political supporters and people who can slip a board member a few thousand bucks or provide sexual favors.

Maintaining a system in which teachers' jobs are not bought and sold is more than a question of union interests.

So you need a strong central authority to exercise a watchdog function—to prevent patronage. You also need it to define common goals and standards for all the kids. And then you need to allow the local people to find innovative ways of reaching these goals and standards. But if a local board or committee doesn't care about reaching goals but only about finding jobs for friends or family or making a few bucks, it's not right to say, "Well, if that's what the local folks want, it must be OK."

Last year a special investigator in the New York City schools submitted a report on another corrupt community school board that raised the same issues with respect to decentralization and system-wide standards.

The investigator found that all the jobs in this community school district—especially principal- and assistant principalships—were part of a patronage mill. However, there was one exception: teaching jobs.

Why was that? As UFT President Sandra Feldman pointed out, it was because the union had not allowed the hiring of teachers to be handed over to the local school boards. Indeed the union had "fought tooth and nail to keep a centralized licensing and hiring process, to keep the process out of local school board hands." It had also fought (and won) when some community school boards went to court to contest a union-negotiated registry for substitute paraprofessionals that threatened to cut into the boards' patronage privileges.

When unions struggle to retain hiring rules that are applicable throughout a system, critics call them rigid and self-serving and say that the rules are merely a way of holding on to power. But maintaining a system in which teachers' jobs are not bought and sold is more than a question of union interests; it is also in the public interest and in the interest of students.

In education, we tend to accept new ideas without looking at their history. Centralized bureaucracies still rule most big-city school systems, but they have not been there forever. Superintendents and school boards with authority over many thousands of students were created as part of a movement to reform corrupt local school boards and bring good government to the schools. It's true that these institutions have developed problems of their own and need change, but no person who understands history would want to swing the pendulum back.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1994 by Albert Shanker.

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THE COVERAGE OF HAPPINESS

By Robert Wright

There are two conversations going on in America right now that might usefully get in touch with each other. One is about President Clinton's health care plan, which includes extensive mental health coverage. The other is about mental health. The second conversation is known as the Prozac debate, though Prozac isn't the issue. This best-selling antidepressant, said to make people "better than well," is just an emblem for a new age of psychopharmacology in which mental health and mental illness will lose their current meanings. Major depression, minor depression, a dour outlook, occasional moodiness, a short attention span, vocationally costly standoffishness—all these (the scenario goes) will be subject to swift and clean chemical intervention. "Cosmetic pharmacology" will let us custom-build minds and personalities.

The questions raised by cosmetic pharmacology are large, and by no means have they been exhaustively addressed. But also large, and almost entirely unaddressed, is the question of what happens when the government steps in—when Washington becomes the guarantor of this suddenly metamorphosing thing known as mental health. Granted that health care should be an entitlement. Granted even, for the sake of argument, that mental health care, in the traditional sense of the term, should be an entitlement. Should *happiness* be an entitlement?

People have enough trouble with the question of whether psychopharmacology is spiritually legitimate and ultimately beneficial for any one user. Once the government gets involved, the assessment acquires a confounding social dimension. Deciding which productivity-boosting drugs to pay for is a kind of economic policy. Deciding which kinds of patients get them is social policy. When drugs affect the conscience, or sexual impulses, the government is making moral policy. And all along, in the background, is the question of whether neurochemistry should be a policy lever in the first place.

O.K., O.K.: this is a bit too dramatic. The government already has, via FDA drug approval, a rough kind of control over some of these variables. And even via mental health coverage it won't be able to fine-tune all of them, at least not for now. Prozac is blunt in its effects compared with the anticipated drugs of tomorrow. Still, Prozac is also diverse in its effects, and thus broadly illustrative. Already it is influencing, in small ways, the nation's economy, its moral texture and its social equality, or lack thereof. And in the process, it is suggesting that, oddly, the best way to keep the brave new world grounded in bedrock American values may be to bring cosmetic pharmacology to the masses.

The Prozac-as-policy debate begins with the same question as the Prozac debate: Is psychopharmacology a valid form of self-help? Lately a lot of people have been suggesting not. (See, for example, "Shiny Happy People" by David J. Rothman, TNR, February 14.) The basic argument is that drugs are a palliative; chemicals can address symptoms, but only sustained grappling, through talk therapy or soul-searching, gets at the "real" underlying problem. This argument is usually grounded, implicitly or explicitly, in a kind of dualism that sees mental life as at least partly independent of physiology; there are some places in the mind that molecules just won't take you.

In opposition to this view stand psychological materialists, who insist that all thought and feeling, and all changes therein, are precisely grounded in neurochemistry. Thus, when therapists talk, they emit sound waves that go into their patients' ears and trigger physical signals that go to the brain, which then triggers various other physical things. These things may be as trivial as stimulation of the lachrymal glands (crying), which usually makes people feel better at least for a few hours, during which they can schedule another session. Or the change may be more profound, an actual cure. But the materialist's claim has always been that in either case the action is physical; to cure a patient's mental illness is to permanently alter biochemistry. This claim draws only credence from a drug like Prozac, which, by altering brain chemistry, leaves many patients feeling utterly cured, and makes them behaviorally indistinguishable from patients cured by psychotherapy.

The claim also draws credence from what little we know about how Prozac works. A frequent psychological effect of Prozac is to raise self-esteem, and neurologists believe it does this through its primary chemical effect: raising the level of the neurotransmitter serotonin. (Prozac "inhibits re-uptake" of serotonin by the brain cells, as do other less publicized, but similarly effective drugs, such as Paxil and Zoloft.) There is tentative evi-

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dence that serotonin levels also rise when self-esteem grows through conventional means—when, say, someone gets a promotion or otherwise gains respect at the office. Much research remains to be done, but the best guess for now is that one function of serotonin is to calibrate self-esteem in accordance with social feedback. Thus talk therapists who provide feedback that raises self-esteem may in fact do what Prozac does: raise the serotonin level. Of course, they describe it differently. They say they get the patient to believe in his worth, and that any rise in the serotonin level is incidental. But who knows which comes first—or whether either does?

Even talk therapists who concede that serotonin may be the currency of their influence might still cling to the claim that, by intervening verbally and not chemically, they're raising self-esteem more "authentically" than Prozac does. But in what sense? They don't, after all, actually get their patient a promotion, or otherwise raise the amount of respect he gets. They just convince him that he *deserves* respect—the same thing Prozac does. Of course, in both cases, this belief may then make him more likely to *get* a promotion or more respect. But the initial intervention is in both cases artificial: the objective circumstances of the patient's life haven't changed; his way of looking at life has, along with, apparently, a rise in his serotonin.

Drugs, as chemicals that affect thought and feeling, have always tended to weigh in on the materialist side of the debate. But this century has brought drugs especially forceful in their testimony by virtue of the subtlety of their effects, and the Prozac generation is the latest example. (In *Listening to Prozac*, the book that has framed the Prozac debate, psychiatrist Peter Kramer's former dualism undergoes ongoing, though incomplete, erosion as he describes the psychic make-overs he has witnessed.) No one can be sure about the culmination of this trend—what the final outcome (if any) of the dualism debate will be. My own view is that using the Prozac craze as an occasion to denounce psychological materialism, as many have done, is like choosing D-Day to announce your support of the Axis powers. But for present purposes, the point is more modest: the dualists' basic argument is far from proven and, indeed, has tended to weaken with technological advance. In this light, an intelligent government mental health policy must begin with the assumption that, although any given drug may have bad effects, and thus be undesirable, any good effects are valid—as valid as if earned arduously by lying on a couch and chatting. Pharmacology is not *inherently* suspect.

This is now the operative assumption within the Clinton administration. Last year, as the health care plan was taking shape, mental health coverage drew resistance from the administration's fiscal conservatives, who saw it as a giant dollar-shredder; their nightmare was every American on a therapist's couch, complaining nebulously as the meter ran at a $3-per-minute clip. In reply, mental health advocates, such as Tipper Gore and Ira Magaziner, argued successfully that psychopharmacology was bringing a new age of cheaper and more certain treatment.

This is not to say that the administration's mental health advocates are bullish on "cosmetic pharmacology"—a phrase that doesn't have quite the political resonance of "mental health care." Dr. Bernard Arons, who chaired the administration's mental health advisory group, insists that the line can and will be drawn between the two kinds of intervention. Well, maybe. But the administration has already blurred it a little. In selling mental health coverage, officials have stressed not only pharmacology's cheapness; the very fact that pharmacology works, they have said, is evidence that mental maladies are bona fide, diagnosable diseases, not just vague and elusive discomforts that get mulled over endlessly on the couch. But if successful chemical treatment indeed is the hallmark of a disease, then why aren't all things treated by cosmetic pharmacology considered diseases? And why *shouldn't* they be? One of the Clinton plan's two prerequisites for mental health treatment is "functional impairment in family, work, school or community activities." Well, those of us who aren't perfect in all our roles are exhibiting some degree of functional impairment. If pharmacology can make us less impaired, and happier, and if there is indeed nothing wrong with chemical intervention in principle, then what's the problem? Why is this not a cure?

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The Clinton plan answers this question with its other prerequisite for coverage: the functional impairment must be linked with a "diagnosable mental illness." Here the administration is counting on the American Psychiatric Association's Diagnostic and Statistical Manual (DSM) to distinguish between the merely treatable and the officially pathological. But as Kramer shows in *Listening to Prozac*, what is officially pathological has long depended on what is treatable. For most of this century, people didn't complain of "panic attacks," and doctors didn't know them when they saw them. Freud had deemed panic anxiety unresponsive to psychotherapy, and that was that. But then two drugs, imipramine and Xanax, turned out to stifle panic (though Xanax proved quite addictive). As Kramer puts it, psychiatrists who had "lost touch with panic anxiety" now had to be "educated before they could see the problem." Panic anxiety was "re-created ... in theoretical terms." Kramer describes such revision as the scholarly "dissection" of mental illness with the scalpel of pharmacology. A more crass (and not really incompatible) view is that it is the market at work. Once something that causes discomfort is treatable, people will pay for the treatment. If you're a psychiatrist, you have to call the discomfort a malady before you can take their money.

There's another dynamic at work, too. As growing numbers of people are thus treated and "cured," the untreated are increasingly conspicuous in their suffering. Mental illness has always been defined somewhat relatively; the more statistically aberrant a condition, the stronger its claim to pathology. Cosmetic pharmacology, by easing various conditions in *some* people, will shore up these claims for the others.

One recent pharmacological "dissection" suggests that some people who exhibit hysterical behavior suffer mainly from oversensitivity to rejection. Some drugs, including Prozac, dull this sensitivity in hysterics and, more to the point, in many nonhysterics. Kramer writes: "Once we focus on rejection-sensitivity apart from hysteria, all sorts of people come to mind to whom the label might apply." Yeah—like everyone. Thus could the concept of pathology grow in lockstep with psychopharmacology. Thus could a government commitment to provide therapy become, willy-nilly, an endlessly growing commitment. Thus could happiness become an entitlement.

Obviously, this won't happen overnight. The DSM evolves slowly. Besides, some analysts, such as Harold Pincus of the APA, argue that the DSM isn't as promiscuous as it is reputed to be. Its growth over the decades, as more things have become treatable, is misleading, Pincus says; new "subcategories" of illness haven't necessarily raised the number of people covered. Cases of panic disorder might just have been shoehorned under a broader label before. Still, as cosmetic pharmacology unfolds, the DSM will have its virtue sorely tested. And I see nothing inherently wrong with extensive surrender (or, alternatively, and perhaps preferably, with dropping the explosive and in many ways unfortunate word "disease," and calling all mental maladies, major, minor and barely noticeable, occasions for welcome intervention).

Anyway, the question of universal health care in the age of Prozac isn't just whether the government will get sucked into the cosmetic pharmacology business. Presumably it can resist if resistance is the right path. The question is whether resistance is the right path. My answer is no.

Just look at what resistance brings—which is to say, look at the present situation. For both cultural and economic reasons, Prozac is mainly a drug of the upper and upper-middle classes. (And this is especially true of its "cosmetic" use.) Should the government—should a *Democratic* government—sit idly by when, absent government action, cosmetic pharmacology will be available to some groups, especially the affluent and the white, and not to others?

Of course, lots of things in life are concentrated at the upper end of the income scale. (Money, for example.) What's more, in the realm of health care, this inequity isn't beyond practical justification. Any realistically affordable universal health scheme will reserve "luxuries"—such as nonessential knee surgery diagnosed with expensive nuclear magnetic resonance imaging—for people who can pay more. Still, a robust knee is one thing, and robust self-esteem another. There is something peculiarly obnoxious about denying Prozac to poor people, because what it offers (when it works) is exactly what circumstance has denied many of them. The classic Prozac personality is the personality that so many affluent people absorb during youth, and this absorption is what sustains their affluence. They are upbeat, self-assured, efficient. The Prozac annals contain stories of people who once shirked vocational challenge, or wasted workdays commiserating with themselves—but then, after taking the drug, become human dynamos, wowing the boss, getting that big promotion. Even granting a certain amount of exaggeration, we have to ask: If the drug indeed works in this fashion for any appreciable fraction of people, should it be denied people because they can't afford it? Its absence may be the *reason* they can't afford it.

I am not recommending airdrops of Prozac into Appalachia and South-Central Los Angeles. Though Prozac has clearly helped a lot of people who weren't mentally ill by stringent definition, the evidence that it can improve the life of the *average* person, plucked randomly off the street, is at best sparsely anecdotal, and the anecdotes come from journalists, not psychiatrists. (No one drug will ever be right for everyone; the premise of the Prozac debate is simply that as the future unfolds, more and more people will have a drug that's right for them.) And, though early claims that Prozac can encourage suicide have fallen into question, Prozac's side effects aren't always minor—insomnia, nervousness, sexual dysfunction, etc. Serious pharmacology, cosmetic or otherwise, always calls for clinical discernment. The point is just that whatever degree of discern-

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ment is open to the rich should be opened to the poor: the seriously ill, the mildly ill and the not-quite-ill-but-not-beyond-improvement should have access to supervised experimentation if it is likely to help.

Surprisingly, there is some question over how equitably the Clinton plan would help even the undeniably ill. One of the plan's less discussed features is its likely provision of better coverage for the affluent. Each HMO that formed under the plan would, within limits, set its own premium, and if a customer chose a pricey HMO, he—not his employer, not the government—would cover the difference between its cost and the average cost. So lower-income people would cluster in cheaper HMOs. (This is the plan's implicit acknowledgment of the point above: affordable universal care won't be luxurious for everyone.) Though each HMO would cover the same list of maladies, as defined in the DSM, that leaves plenty of wiggle room. Some existing HMOs are said to save money by discouraging treatment for the mentally ill, or by putting them on muddy, paleo-antidepressants, whose patents have expired, rather than pay $2 per pill for the usually cleaner relief of the Prozac generation. Government oversight—which is provided in the Clinton plan—might be needed to ensure equity among the mentally ill.

As for the not-so-ill, the candidates for cosmetic psychopharmacology—their situation would remain in one sense unchanged under the Clinton plan; their chances of getting drugs would vary by income. Liberal prescription might be an unstated benefit of some upscale HMOs—and if it weren't, the affluent could still get wonder drugs by going to a doctor and paying for the visit and the prescription out-of-pocket. In more modest HMOs, cosmetic pharmacology would probably be nil. This shortcoming is not one that any of the alternative health care plans—Cooper, Chafee, etc.—would obviously redress. But that doesn't make it any less of a shortcoming. Our nation has always paid lip service to equality of opportunity. And the stated reason for falling short of that goal has usually been cost. If indeed opportunity can be boosted as markedly, as cheaply, as some Prozac stories suggest, that excuse weakens. (Prozac costs $15 per week at standard prices—plus the occasional half-hour of "maintenance" therapy—and HMOs get bulk deals that cut the price to $8, less than the price of school lunches.)

Redressing the current inequity would of course raise all kinds of fears. Will Prozac simply numb the poor to their harsh world? It is a perfectly good (if slightly patronizing) question. But most people haven't lost much sleep over the other things that numb poor people—alcohol, street drugs, Lotto. At least, we didn't lose much sleep until the drugs started raising our chances of getting shot. It seems odd to have saved all our concern for a drug that, unlike street drugs, may actually help people.

Once the government is paying for drugs, they warrant a special kind of scrutiny. Critics of Prozac have tended to focus on the drug's users, claiming, for example, that inflated self-esteem or indifference to social rejection may hurt them in the long run. Maybe so, but this is a question already being mulled over by the users and their therapists. The more neglected and much harder question is the one that is the government's to ask: What are the larger social effects of the particular kind of happiness brought by a given drug?

People take both cocaine and the designer-drug Ecstasy to get happy, yet the effects are in some ways opposite. Cocaine brings a self-centered euphoria, a sense of toughness or smartness or beauty. It inflates the ego. Ecstasy in a sense dilutes the ego, leading people to take an interest, even a joy, in people they might otherwise ignore. Both drugs make people happy, but one makes them happy jerks. Both, also, don't work in the long run. There may be subsequent fits of depression and even a kind of psychosis; and Ecstasy has the added disadvantage of killing brain cells. It may well be that the sorts of euphoria these drugs bring can never become a regular part of the personality. Still, Prozac has shown that more modest elevations needn't be transient; drugs *can* make people—some people, at least—happier in the long run. There is no reason to doubt that happiness of various stripes can be raised in the long run. Should the government subsidize egocentric as well as empathetic happiness?

This issue is already with us, if in unwieldy form. In *Listening to Prozac*, Kramer describes giving Prozac to "Tess" for a condition that, he somewhat defensively admits, might be described as "heightened awareness of the needs of others." She "heeded the warning of a strong 'superego,' or conscience, that always put work before play." The drug worked. "Where once she had focused on obligations to others, now she was vivacious and fun-loving." But Kramer wonders if Tess will "now give up her work in the projects, as if I had administered her a pill to cure warmheartedness and progressive social beliefs." Then he begins to probe this concern, wondering "whether I was clinging to an arbitrary valuation of temperament, as if the melancholy or saturnine humor were in some way morally superior to the sanguine." A reasonable question for a psychiatrist, given his role. But surely the government, given its role, isn't exhibiting arbitrary valuation if it chooses not to pay for things that make people less inclined to help others. Where people withhold such help, the government may have to step in and do the job. Why raise taxes to pay for Prozac that creates a need for more taxes?

Tess, in the end, "did not forsake the projects, though she did make more time for herself." This new time, presumably, came marginally at the expense of people in the projects. And, anyway, one can imagine cases in which the patient's peace of mind reaches some critical mass, leaving no time for people she had once helped. Much of the good we do for others is motivated by painful guilt, and often the net social result is good: the happiness we give outweighs the discomfort that prompts the giving.

Tess also moved to another town, the furthest she had

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lived from her mother; she had overcome "a guilty vigilance over a mother about whom she had strong ambivalent feelings." Kramer (who is utterly aware of the basic moral questions raised by Prozac, notwithstanding the claims of some facile critics) allows that the virtue of this move "depends on one's social values." Yes, and when Tess's Prozac is being paid for by the government, the operative values become clearer. The breakdown of the extended family as a network of social support has cost gobs of tax dollars. (And, back when the extended family functioned better, you can bet that "guilt" and "ambivalence" reared their heads more than occasionally.) Does it make sense to spend tax dollars to further decompose the family?

I'm not saying Prozac is inherently an egocentric or socially pathological drug. As Kramer notes, Prozac sometimes frees the self-absorbed to care about others. The anecdotal evidence suggests that the drug has more positive social side effects—externalities, as policy analysts say—than negative ones. The point is simply that happiness is neither a homogeneous nor a socially neutral quality. And there is more logic in subsidizing some kinds of happiness than others. As pharmacology advances, bringing ever more surgical tools of psychic intervention, the government may have the option of choosing between the two, trying to assess the positive and negative externalities embedded in each new miracle molecule.

One can imagine, for example, a divorce antidote. Prozac often dulls the sex drive—especially that great enemy of family values, the male sex drive. Some men say Prozac has saved their marriage, not only by thus stifling extracurricular interests, but by making their marital sexuality more intimate. "My wife was so happy with that side effect, and so am I," says Dr. James Goodwin, the celebrated (and denounced) "pied piper of Prozac," who has single-handedly raised the average serotonin level in the small town of Wenatchee, Washington, and takes the drug himself. Goodwin speaks of male patients who, once on Prozac, look back with dismay at all the time they spent eyeing women lasciviously or buying pornography. (Just think of the careers that could have been saved: Gary Hart and Jim Bakker have both reported taking Prozac since their troubles.) It may be time for Dan Quayle to amend Nancy Reagan's line: Say yes just to Prozac.

On the other hand, some people—often women, by Goodwin's account—say Prozac has given them the "courage" to leave unhappy marriages. (An interesting question—and an especially valid one once the government is involved—is whether this "courage" suppresses previous worries about the toll divorce would take on children.) Still, one can certainly imagine drugs consistent enough in their effects to, on balance, qualify as a "family values" drug. As pharmacology marches on, Kramer notes, "our accuracy in targeting individual traits will improve." Some of these traits will have moral consequence. It is quite possible that some drugs that pass the psychiatrist's test—they are safe and effective and make the patient better—will fail what should be the government's test; they do more harm than good to society as a whole.

What we have here, clearly, is a mess. The social evaluation of drugs is much too complex to be settled in FDA trials. Seven years after Prozac's debut, we still don't know enough about it, or about other drugs of its generation, to formulate sound policy (beyond my suggested baseline policy that, whatever the degree of access to a drug, it should be socioeconomically equal). And the next generation of drugs may show up before the answers on Prozac are in.

All of which leads to one simple proposal. Let's kill two birds with one stone—make the equitable provision of prescription drugs more affordable and, in the process, *slow things down.* Hillary Rodham Clinton's campaign to cut drug costs met with predictable whining from the pharmaceutical industry: to cut profits, they insisted, is to cut the research incentive. Well, yes. This is exactly the sort of harsh truth that the Clinton administration is so deeply averse to acknowledging. But maybe a slowed pace of research wouldn't be such a harsh truth after all. Maybe having more time to get the answers about Prozac will help us negotiate the next pharmacological wave.

Bear in mind that the tradeoff between affordability and technological advance, as currently calibrated, has no especially compelling logic. Why does Lilly get a fourteen-year monopoly on Prozac? Don't ask me. The answer lies in the distant past, before modern psychopharmacology was on the horizon. Moreover, health insurance has tended to distort the tradeoff in the direction of technological advance. By insulating end-users—the patients—from the actual cost of drugs, insurance leads them to "undervalue" price and "overvalue" progress. That is: it skews the allocation of resources between consumption and investment away from the theoretically "optimal" balance that would result if everyone "voted" with his or her own dollars.

If drug patents were half their current length, the Prozac patent would expire this year, and the cost of a year's supply would drop from around $600 to maybe $50. Providing Prozac to people of all income levels—at least, to those likely to profit from it, who presumably are a minority at all income levels—would change from a stiff, but manageable fiscal challenge to no problem. I can already hear the people at Lilly complaining about how such mindless government meddling slows the march of progress. But in the coming age of psychopharmacology, social progress may—within certain bounds—be inversely related to technological progress.

It is good that the Clinton administration has pushed the government into discussion of mental health just as mental health is getting redefined. "Cosmetic pharmacology" sounds more frivolous than "treatment of mental illness," but it could wind up shaping the nation's character more dramatically. And if the process is left to the marketplace, with no collective guidance, the result may not be pretty. •

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BOOKS & The Arts

Stanley Kauffmann on Films

A Woman in History

Leni Riefenstahl is a monster. The first definition of that word in the OED is: "something extraordinary or unnatural; a prodigy, a marvel." It fits her. Of course other definitions follow, and a new documentary, **The Wonderful, Horrible Life of Leni Riefenstahl** (Kino International), acknowledges in its title that one definition will not suffice. The film arrived last fall at the New York Film Festival almost simultaneously with the publication of Riefenstahl's 669-page autobiography (St. Martin's Press, $35); it's about to play at the Film Forum in New York and will soon open in several other cities.

The director, a German named Ray Müller, has made a well-knit work interweaving past and present and justifiably three hours long. A number of sequences show Riefenstahl arguing with Müller about angles, lighting and movement in the present-day sections, so this is quite consciously a film about a filmmaker. At the end Müller asks her some stringent questions about her past and leaves her, so to speak, face to face with us to answer. Thus, all in all, this is very far from a rounded account of her life. It is—very strongly—*her* version.

As is the case with some other monsters, the basic matters in her story are credible only because they actually happened. No fictionist would have dared to invent them. Riefenstahl was born in Berlin in 1902, and at the time of Müller's filming two years ago she was 90, doing underwater photography in tropical seas. Here are some of the highlights that we see in between.

She was a beautiful young woman. When she was in her early 20s she was a dancer and was engaged by Max Reinhardt to appear at his Berlin theater and to tour. (He must have seen something other than the gauche dancing of which there are glimpses here.) She decided to enter films and was engaged for a leading role on the basis of a photo that she sent to a well-known director, Arnold Fanck. Her debut was in one of the mountaineering films for which Fanck was famous, and Riefenstahl, as we see in clips, did a great deal of very scary climbing in the film, much of it barefoot.

With *The Blue Light* (1932) she moved into writing and directing, and she also starred as a mountain girl who dared to climb where others would not go—a sort of prefiguring of heroic "Aryan" symbolism. Hitler admired *The Blue Light*, and after his ascendancy in 1933, he persuaded her to make a film of the Nazi Party congress in Nuremberg. This resulted in a short documentary about which, as an artist, she was not happy (the first instance of her vaunted ability to separate aesthetics from political morality). The following year Hitler persuaded her again—despite her reluctance, she says—to film the Party congress again. The result was *Triumph of the Will* (Hitler's title), a masterpiece of propaganda as art in which Nazi principles and fervor are so powerfully, even beautifully, presented that the most antagonistic are still shaken by it.

Four years later came *Olympia*, a documentary about the 1936 Olympics in Berlin, also a masterpiece, less overtly propagandistic, in which the human body is rhapsodically celebrated. During World War II she made *Tiefland*, another symbolic work—with "Aryan" resonance—about the superiority of those who live high in the mountains as against the lowland-dwellers.

After the war she was de-Nazified by the Americans but was nonetheless interrogated and detained by the French over several years. Since then, she has had two principal interests. First, she spent long residencies among the Nuba people in southern Sudan and published picture books about them. (Susan Sontag memorably attacked one of them as further evidence of Riefenstahl's fascist beliefs. Riefenstahl responds to Sontag in this film, briefly.) Second, she has done much underwater photography together with her constant companion, a man forty years younger. She has not yet edited this oceanic footage into a film. No hint is given about the source of her money for these various expeditions or for her comfortable home.

About her films there is room for adverse comment. In *The Haunted Screen* Lotte Eisner traces Riefenstahl's physical images to German eugenics films of the 1920s. Anyone who has seen Fritz Lang's *Die Nibelungen* (1924) knows that some of Riefenstahl's visual ideas in her symbolic films had antecedents. She tells Müller that De Sica and Rossellini both praised her for

FILMS WORTH SEEING

Belle Epoque. *Spain, 1931. A young man in a house with four lovely young women and their tolerant father. Everyone enjoys it, including us. (Reviewed 2/21/94)* **Philadelphia.** *Hollywood's first major attempt to deal with AIDS—and much better than that may sound. Tom Hanks is grittily authentic as the man in question. (1/10&17/94)* **The Scent of Green Papaya.** *A 10-year-old Vietnamese girl comes to work in Saigon in 1951. A generally lyrical recapturing of a lost life. (2/28/94)* **Schindler's List.** *A German's mysteriously benevolent act amidst the mysteries of Nazi evil. Steven Spielberg's stark monument honors this true story. (12/13/93 and 1/24/94)* **—SK**

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being the first director to shoot on actual location. If they did, they were thoroughly mistaken. (Just one instance: André Antoine, the French theater director who began to make films in 1915, did most of his shooting on location.)

About her political accounting, there has naturally been much more dissent. She says that she never joined the Nazi Party. (If true, what difference does it make? Bertolt Brecht, the prime dramatist of Communist causes, never joined the Communist Party.) But in *Nazi Cinema*, Erwin Leiser reports that in 1935 Riefenstahl published *Behind the Scenes of the Party Rally Film*, a book about the making of *Triumph of the Will*. The first sentence: "My personal involvement in this project overcomes all doubts, all misgivings, all obstacles."

Toward the finish of Müller's film, he tells her that everyone seems to be waiting for her to apologize. Riefenstahl, still trim and lithe at 90, responds vigorously. She asks what she should apologize for. That she was born at a certain time in a certain place? This answer, though drastically incomplete, is far from irrelevant.

For me, it's superfluous, almost silly, for her to defend herself, for others to seek out holes in her defense. The key point is this: if Hitler had won, Riefenstahl would now unquestionably be a radiant star in the Nazi firmament. Hitler lost; she survived into another age and now tries to trim her record in the Nazi era to fit subsequent standards. (She now says she thought that the Nazi aim was to bring peace, and supplies a few clips on that theme. She didn't know about the camps. Etc.) When the simple criterion of Hitler's fate is applied, the whole issue seems settled. No matter how she defends herself, she committed vivid actions that aided the Nazis. No matter how she is attacked, she does have exceptional talent. If she had been just another Nazi hack filmmaker, she would never have become a center of controversy.

The three great Soviet film masters, Eisenstein, Pudovkin and Dovzhenko, had the bad luck to live past the Lenin era into the Stalin era and suffered for it. Riefenstahl's misfortune was much more gentle; yet it's the same sort of historical banana peel on which she slipped. We continue to admire the Soviet masterworks for their art despite the heavy irony of their now blood-drenched enthusiasm. Under that rubric Riefenstahl's best films can live.

In any case Müller's documentary presents her version of life fascinatingly; and, at the least, proves that she's a first-definition monster. •

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The lawyer as hero and anti-hero.

Law's Labors Lost

BY VERLYN KLINKENBORG

I.

You often hear it said that America is the most litigious nation on earth. The fact is easily stated, but the reasons are not. When people talk about litigiousness, they don't mean criminal prosecutions, although the specter of America's enormous criminal caseload usually looms behind that kind of talk. They mean something to do with the character of our society as a whole, with the American personality. We have a lot of lawyers. We spend a lot of time in court. Among private citizens, going to law has become a first-strike policy rather than a last resort, a widely practiced alternative to the gentler arts of negotiation and compromise. In business, going to law has become an acceptable form of natural selection, a form considerably more brutal, though no swifter, than economic attrition.

"The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law," wrote Oliver Wendell Holmes in 1897, who also said that the law "is the witness and external deposit of our moral life." But predictions of what the courts will do in fact are not what most people mean when they talk about law. They mean something more pretentious, and something less pretentious, too. They mean what one law professor has called "rules and procedures collected in esoteric texts," and they mean the Constitution. They mean their recent divorce or their appearance in small-claims court. They mean Rudolph Giuliani and Melvin Belli and William Kunstler and Alan Dershowitz. They mean press coverage of the Supreme Court and widely publicized verdicts with which they don't agree, and they mean "Perry Mason," "Night Court," "L.A. Law," Court T.V. and the latest round of lawyer jokes, most of which accentuate the alienness of lawyers, their cool aloofness from the warm, wet swamp of humanity.

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Of course, there is an ancient populist rage against lawyers and against the entanglements of the legal system, a rage that is principled in Dickens, licentious in Falstaff and merely political in Dan Quayle, who set the annual indirect costs of litigation at $300 billion (a figure widely hooted when he made that claim in a speech before the American Bar Association in 1991). The rage against lawyers is a rage against finding yourself caught in the meshes of the social compact, a necessary web that most of us try to pretend is invisible. This is the loathing

The Firm
by John Grisham
(Dell, 501 pp., $6.99 paper)

Pleading Guilty
by Scott Turow
(Farrar, Straus & Giroux, 386 pp., $24)

Blind Justice
by William Bernhardt
(Ballantine, 308 pp., $5.99 paper)

Skadden:
Power, Money and the Rise of a Legal Empire
by Lincoln Caplan
(Farrar, Straus & Giroux, 341 pp., $25)

The Lost Lawyer:
Failing Ideals of the Legal Profession
by Anthony T. Kronman
(Harvard University Press, 422 pp., $35)

Learned Hand had in mind when he said, "I should dread a lawsuit beyond almost anything else short of sickness and death." It's the unease of realizing that lawsuits aren't brought by lawyers; they're brought by neighbors, relatives, spouses, associates and total strangers. It's the frustration of sensing how arcane, in all its particularities, the web of the law can be and knowing, too, that lawyers, and only lawyers, feel at home among those endlessly intersecting lines of force.

But the rage against lawyers is also something more specific: a disgust with the morality of the marketplace, a disgust not with the trial lawyer's obligation to defend the guilty along with the innocent—most of us understand the constitutional grounds for that obligation as well as its potential benefit to our own lives—but with the corporate lawyer's surrender to the ethic of bare-knuckled capitalism, to what a character in William Gaddis's new novel, *A Frolic of His Own*, calls the reason "I went into corporate law in the first place where it's greed plain and simple. It's money from start to finish."

There's virtually nothing in a lawyer's legal education to impede that surrender. In *The Lost Lawyer*, Anthony T. Kronman, a law professor at Yale, explains that most law schools teach by means of the case method, a method that "increases a person's powers of empathic understanding and relaxes the boundaries that initially restrict his sympathies to what he knows and likes." Under the case method, students read appellate court opinions and then "place the conflicting positions that each lawsuit presents in their most attractive light, regardless of how well they have been treated in the opinion itself." Inherently, the case method teaches the means to justify any legal means, for it requires a law student to be able to argue all sides of a case. Law students sometimes call this part of their education, which is ultimately more skeptical than empathic, "losing one's soul," because they can feel their deepest convictions coming loose. That's what Scott Turow means in *One-L*, the account of his first year at Harvard Law School, when he says that "Legal thinking is nasty." On the one hand, he writes, "you believed nothing. And on the other, for the sake of logical consistency, and to preserve long-established rules, you would accept the most ridiculous fictions—that a corporation was a person, that an apartment tenant was renting land and not a dwelling."

But the case method and the law schools, much less the fictions of the law, aren't really to blame for the disgust and the apprehension that Americans often feel toward lawyers. What is largely at fault, as Kronman and many others have argued, is the corrosion, especially during the last two decades, of the ideal of the lawyer-statesman, an ideal that joins the narrowly prudential character of private counsel with the broader virtues of public service. That is the ideal to which *The Lost Lawyer* is devoted: "the belief that the outstanding lawyer—the one who serves as a model for the rest—is not simply an accomplished technician but a person of prudence or practical wisdom as well." In fact, Kronman robustly defends the case method because it relieves students of "their faith in large ideas, and what it puts in place of this faith is a . . . tendency to look with

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suspicion on broad generalizations, to search for the qualifying exception to every abstraction, to insist on the importance of details." These are mental habits essential to the practice of law, no more alien or loathsome than the mental habits needed for the practice of medicine or literary criticism.

Despite the law professors' disdain for abstractions, an ethical ideal, even one honored among lawyers, is itself nothing more than a broad generalization. The ideal may be that of the lawyer-statesman, embodied by someone like Earl Warren or Daniel Webster or Abraham Lincoln. But it may also be the ideal of the lawyer-opportunist, embodied by someone like Joseph Flom, the last living name partner at Skadden, Arps, Slate, Meagher and Flom. That firm profited mightily from mergers and acquisitions during the takeover boom of the 1980s: it took part "in what, to dealmakers, were the deals of the year for a solid decade," including the $25.3 billion RJR Nabisco deal in 1989. Skadden, Arps, Slate, Meagher and Flom is also the subject of a new book by Lincoln Caplan, called *Skadden*. "When I told Joe Flom that he had been called a sewer rat," Caplan writes, "he replied, 'I can live with that.'" As an ethic, that is nothing new, but as an ideal it is.

"To an imagination of any scope," Holmes wrote, "the most far-reaching form of power is not money, it is the command of ideas." That now has the platitudinous ring of a commencement address to which the graduating class listens patiently, all the while believing, on the evidence of nearly everything that surrounds them, that money will always be a vastly more far-reaching form of power than the command of ideas. How else is it possible to explain the enormous growth of the legal profession in the last thirty years? In this country between 1965 and 1990, writes Caplan, "the number of lawyers leaped ... from 296,000 to 800,000. The number of American lawyers increased more than four times as fast as the population of the United States; the ratio of lawyers' representation in the population jumped from one in 600 to one in 350." The distribution of lawyers changed, too. In 1978 there were, according to Kronman, "fifteen firms in the United States with 200 or more lawyers, and approximately 3,500 lawyers practicing in them. Ten years later there were 115 firms of this size, with 35,000 lawyers.... In 1968 the largest firm in the country had 169 lawyers. In 1988 the largest firm had 962 lawyers." By 1990, as the downturn in mergers and acquisitions was beginning, more than 1,000 lawyers worked at Skadden, Arps, Slate, Meagher and Flom, the kind of firm that Kronman calls "a condominium of specialists."

No profession experiences this kind of growth without losing a sense of itself, without seeing its traditional values opened up for examination. Nor could the big firms suffer the influx of wealth that came to them during the takeover boom or enjoy the demographic shifts that accompanied that wealth—their increasing "openness in a social, economic and religious sense"—without finding the coherence of their all-white, all-male, "gentlemanly" ethic undercut by success.

Still, to assume that in the days before Drexel and T. Boone Pickens the legal profession somehow understood itself is a mistake. As Caplan points out in a chapter called "The Bar's Race to the Bottom," there has been a tendency in this country to regard the law as "a kind of secular religion," and he quotes one of the powerless canons of the first American Bar Association code, passed in 1908, which reads like the Pledge of Allegiance, "Above all, a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen."

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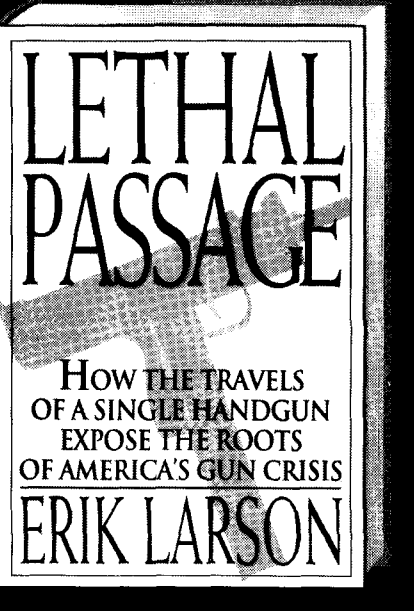

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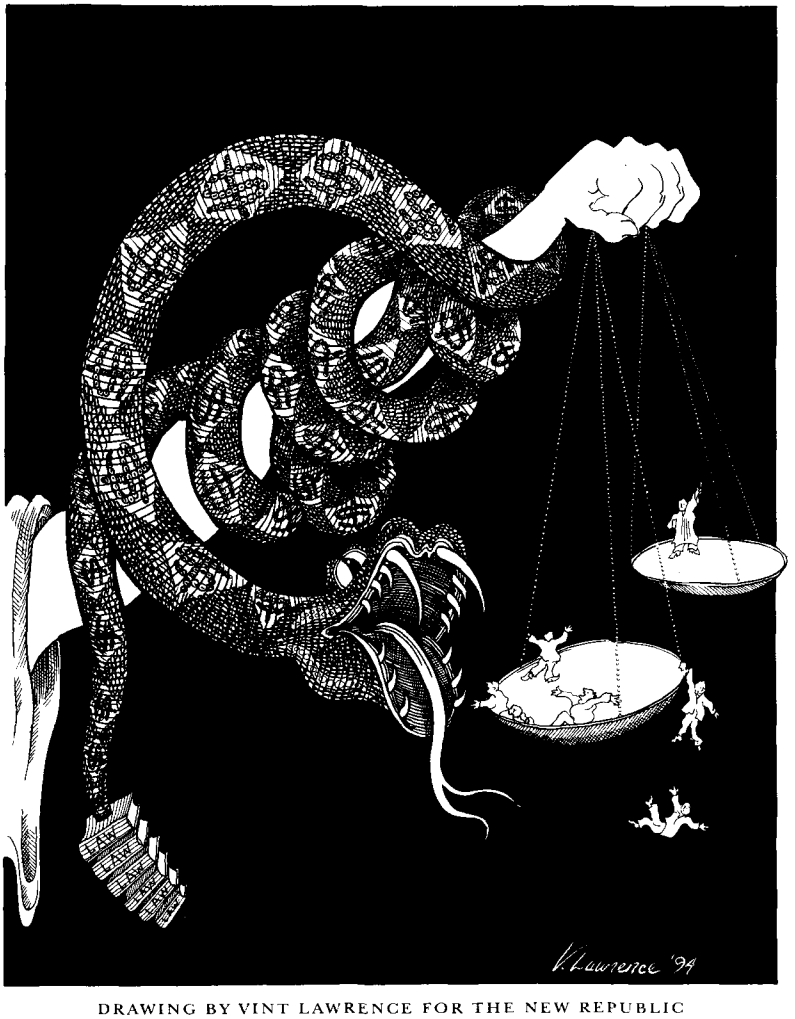
govern lawyers only by inspiring them. Three years before the ABA passed that first code, Louis Brandeis had already complained that "lawyers are now to a greater extent than formerly businessmen, a part of the great organized system of industrial and financial enterprise. They are less than formerly the students of a particular kind of learning, the practitioners of a particular art." In 1932 Justice Harlan Fiske Stone put it more forcibly: changes in the practice of law, he said, have "made the learned profession of an earlier day the obsequious servant of business, and tainted it with the morals and manners of the marketplace in its most anti-social manifestations."

But no matter how intertwined the practice of law and the practice of business have become, the law is a business like no other, partly because law firms are managed differently than more conventional businesses and partly because until recently the legal profession has relied, as a form of governance, on lip service paid to an ideal image of itself. Once the ABA's new code of conduct was enacted in 1970—"legalizing" the practice of law, according to one law professor; exposing lawyers "to the forces of law," according to Caplan—it was followed, as Caplan points out, by a barrage of lawsuits brought by lawyers for the purpose of weakening the force of that code. How could it have been otherwise? Caplan quotes a Skadden partner who told a Massachusetts commission trying to regulate takeovers, "Enact anything you want. I'll find a way to get around what you do." That briar-patch mentality, coupled with courtesy toward other members of the bar, has come to pass, in some legal circles, for a professional ethic.

In the absence of other constraints or guidelines, a firm's political structure is determined largely by the firm's "culture," which is another word that gets used when discussing how the behavior of lawyers is regulated. "Culture" has the advantage of being a looser, less prescriptive, more anthropologically neutral word than "ethic" or "ideal," and its content varies from firm to firm. Kronman defines it plainly, although neither he nor Caplan has much to say about the sources of a firm's culture. "By 'culture,'" Kronman writes, "I mean, broadly speaking, the attitudes and interests that the members of a group share and that define, for them, the point or purpose of their participation in it."

Some lawyers at Skadden used the word in just that neutral fashion, like Peter Mullen, Skadden's chief executive, who told Caplan that its system of dividing profits was "the heart of the firm's culture," as if to suggest that the law is mainly a commercial calling and not just an honorable enterprise. But there were others at Skadden who meant something more by the word. "The way you can tell that there is no culture here," one senior associate told Caplan, "is that people try to get away with things that people at firms with established cultures wouldn't." In context, this complaint sounds naïve, almost jejune, as if the only prayer for moral restraint comes from a tradition of restraint within the firm and not within the individual. Caplan himself best sums up the culture of Skadden when, having made his bows to its meritocracy, its egalitarianism, to its love of hard work and extraordinary compensation, he says, "Attention to the psychology of power went hand in hand with self-promotion."

Caplan is a journalist with a law degree, and Kronman is a law professor, sober, painstaking, discreet, unfailingly analytical. At the end of nearly 400 pages of close argument, Kronman's advice to lawyers who worry about the state of their souls is "to stay clear of ... large-firm practice," if only because "the law has become a business like any other, a workaday way of making a living, and as this has happened, those in it have experienced the same disenchantment as workers in other fields." Kronman raises all the issues Caplan does, but his tack is more philosophical, with less cigar smoke and cursing, and more Kant, Llewellyn and Roberto Unger. The short of Kronman's very long argument is this: in the academy, the lawyer-statesman ideal has collapsed because it is not possible to teach an inherent trait of character like prudence or good judgment and because to rationalize prudence, to theorize about it, is to undermine its peculiar, pragmatic force. In the real world, the ideal has collapsed because it is no longer possible in the current climate of learning and practice to value an inherent trait of character—it can neither be equitably taught nor equitably compensated and it is not what corporate clients want.



DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

So what is it that lawyers know? On the surface, it sounds like an absurd question with a self-evident answer: lawyers know the law. And yet you can hear a kind of circularity in assertions about the legal identity. Lawyers are said to belong to a "learned profession": they are, says Brandeis, "students of a particular kind of learning, the practitioners of a particular art." As Kronman says, laypersons often imagine that the law is nothing but rules, and that a lawyer's knowledge somehow consists of knowing them. "But these rules," he adds, "are not self-executing. They must be applied by human beings." Kronman concludes that "the lawyer's

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expert knowledge of the law is . . . above all else a knowledge of judicial behavior, of what judges are likely to do when called upon to say how the law should be applied."

But whatever else lawyers may know, they also know everything that we choose to tell them. Divulgence is the essence of going to law. Although law is no longer a secular religion of the kind Caplan means, a lawyer still acts as a confessor. In principle, confession is always attended by confidentiality—that is, a basic social contract—and confidentiality has always been a form of power. The economy of information may have altered beyond recognition, and the lawyer-statesman ideal, which is supposed by Kronman to have regulated that economy, may have vanished, but both of these changes reflect deeper changes in society itself.

When you think about the collapse of the lawyer-statesman ideal, as Kronman describes it, you realize that what has collapsed is a view of the lawyer as an insider in a system whose values are ultimately open to public scrutiny and to the force of public approval. In that ideal what matters is the statesman side of the coin, the capacity to use one's own lawyerly prudence toward a publicly accepted end, to recycle, as it were, the power that accompanies one's position as insider. But there is a sense now that most lawyers are insiders in an insider's game, as perhaps all but a few have always been. Their work places them at the very point in the social web where the law's endlessly intersecting lines of force connect with endlessly intersecting lines of information.

II.

Last year only a few hundred of the nation's 800,000 lawyers wrote suspense novels. Every now and then I forget what the word "popular" means in publishing, but I was reminded again late last summer. On every plane I boarded, at a time when I was boarding lots of planes, I found at least one person reading a John Grisham novel. It was a common occurrence to come upon four or five or a dozen Grisham readers on a single plane, enough to put you in mind, ironically, of convicts reading law texts in their prison cells. I think of all those planes carrying all those Grisham readers and of the eons that Grisham's several books have spent on the best-seller lists. I think of *The Firm*, last summer's hit movie, and of *The Pelican Brief*, which has recently landed in theaters. And I wonder whether there isn't perhaps a generation of students going to law school now not to become litigators or judges or big-firm partners, but to become best-selling authors, succumbing not to the bare-knuckled ethic of the marketplace but to the stranger and less predictable seductions of publishing. The money that Grisham has made from his novels—hour by billable hour—is commensurate with the money that Joseph Flom has made from mergers and acquisitions, and it's vastly more than Antonin Scalia will ever pull down. This is not what Holmes meant by the command of ideas.

The boom in legal suspense novels began in the summer of 1987, when Farrar, Straus & Giroux published Scott Turow's *Presumed Innocent*. From its more literary corner of the realm, *The Bonfire of the Vanities*, also published by Farrar, Straus & Giroux in that annus mirabilis, made an equally important contribution to the genre, though at the time that wasn't what readers tended to notice about Tom Wolfe's novel. There's also a sizeable body of criticism on the subject of law and literature by lawyers and literary scholars alike, much of it having to do with revenge as a primal archetype for the law, much of it also having to do with deciding whether the study of literature can provide some theoretical ballast to the study of law.

The history of any genre depends, of course, on how you define it. In sober discussions of law and literature—books such as James Boyd White's *Heracles' Bow* and Richard Posner's *Law and Literature*—you often come across readings of "The Merchant of Venice" and "Measure for Measure," of Homer, Kafka, Dostoyevsky and "The Oresteia," as well as more casual references to James Gould Cozzens and Louis Auchincloss. (Perry Mason is not allowed to plead within the jurisdiction of Richard Posner.) It's not hard to imagine recent novels like Gaddis's *A Frolic of His Own* or Brad Leithauser's *Seaward* in the context of these studies. But legal thrillers belong to a mass audience, and in the tastes of the mass audience there is something so simple as to defy complication. The law is to these novelists as the submarine is to Tom Clancy: an apparatus and a pretext. As the genre now stands, the legal thriller, whether it's written by Scott Turow, the best of the lot, or by Grisham, one of the worst, is little more than a fashionably jaded version of what one book editor has called the "shopping-and-fornicating" novel so popular among female readers.

There are obvious analogies between today's legal novelists—writers such as Grisham, Turow, Richard North Patterson, Grif Stockley, Barry Reed, William Bernhardt—and Erle Stanley Gardner,

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Perry Mason's creator, whose books were once enormously popular. But the real debt is more plainly owing to the detective novel and the police procedural and—in terms of audience share—to the demise of the Soviet Union and the vacuum that the end of the cold war created in the world of spy novels. There is the same relentless insistence on the process of discovery, the same murky subterfuge, the same sense of divided loyalties, of fundamental allegiances gone awry, of being caught in a world where black and white have given way to shades of gray.

Dependent as they are upon the character of lawyers, who seem professionally obliged to believe the worst of humanity, you might expect that legal thrillers would add a layer of skepticism, even cynicism, to the gloom of detective and spy novels. And yet that isn't the case. In none of the legal thrillers that I have read is there a single lawyer as richly doomed in temperament as the hero of John le Carré's *A Perfect Spy*, nor is there a lawyer as deeply disappointed in his fellow man as Raymond Chandler's private eye, Philip Marlowe. You find the same homage to legal-craft in legal thrillers as there is to spy-craft in spy novels: none of these lawyers is bad at law. Blind luck plays almost as large a hand in the workings of these plots as it does in detective novels, where serendipity is the grace that blesses every beating. The big difference is that the detective is interested in guilt and the spy is interested in loyalty. The lawyer is interested in victory.

In legal thrillers, too, the law is neither a sign of the social compact nor a witness of our moral life: it's a rigid narrative frame, the exoskeleton of a plot. (The only morality ever at issue is the lawyer's own.) The procedures and the politics of the law constrain the protagonist, who is often a public defender, such as Gideon Page in Grif Stockley's *Expert Testimony*, or an assistant D.A., such as Rusty Sabich in *Presumed Innocent*, or an experienced lawyer who has lost or been forced to leave a lucrative practice, such as Frank Galvin in Barry Reed's *The Verdict* or Ben Kincaid in William Bernhardt's *Blind Justice*. The old-fashioned private eye never felt those constraints because his only law was his conscience—often a better law than the law itself. There was no judge to threaten him with contempt, there were no court appearances or filing deadlines to worry about; at worst he faced a beating from a couple of bull cops or a dressing down from the district attorney.

Legal thrillers add a new layer of formalism to the detective novel, and it is the formalism itself—the predictable, measured stages through which the suspense is forced to move as the case moves toward trial—that seems to attract readers, who are meant to take as much pleasure from the maneuverings of a lawyer within narrow procedural constraints as they would from the celebrated freedom of a detective like Philip Marlowe. The smaller the box from which he must escape, the more the lawyer seems like an existential hero—"existential" is a word usually reserved for "deal lawyers"—which says a lot about why these novels are so popular on airplanes.

Legal thrillers are less about the nature of the law than they are about the social conditioning of lawyers. Instead of portraying the work of the law, they tend to portray its culture, in the narrow sense defined by Kronman. *The Firm* is the most notorious example of this. In the opening chapters, the Memphis tax firm of Bendini, Lambert & Locke interviews a bright young law student named Mitch McDeere, who succumbs to their material blandishments. In the story of Dr. Faustus, we are never allowed to revel in the riches that Faustus has won by his devil's bargain, since we understand from the start how meretricious they are, and we can't help noticing the sins of character in Faustus, not to mention the flaws in the contract that he signs; but McDeere has no sins of character. (It's astonishing how virtuous these fictional lawyers tend to be on the whole. What failings they have, like alcoholism or low self-esteem or philandering, are symbols of unresolved conflict, capable of therapeutic resolution.) And the reader is invited, encouraged, to share McDeere's salacious glee as the perquisites of his new profession are heaped upon him—an eel-skin attaché, a BMW, a new wardrobe, a low-interest mortgage, the annulment of student loans. All of this titillation rests on a culture of overwork like the one at Skadden, where a regular Beast of Burden award was given to the lawyer who had "endured the most punishment during the previous month."

Throughout this genre there's an uneasiness about the anthill quality of large law practices, a feeling evident in *Skadden* and *The Lost Lawyer* and rising to paranoid levels in *The Firm*. That uneasiness is one of the reasons that legal thrillers tend to be novels about lawyers who buck the system, who stand outside the world of expensive suits and expensive cars and expensive politicians, and who try, often pathetically, to revel in renunciation. A thriller is a battle between corruption and innocence, or between adversaries who gradually take on those attributes in the reader's mind, and an eel-skin attaché is more likely to be an icon of corruption than of innocence.

In several of these novels—the best example is again *The Firm*—much of what is sinister arises from the premise that among large firms the law forms a closed, anti-democratic society. What innocence McDeere retains is simply a measure of the corruption surrounding him. McDeere is an employee of Bendini, Lambert & Locke—an associate in its worldly lust—but he is also its victim. He finds himself under surveillance at work and at home, watched by the firm and by the FBI, which is investigating the firm. The cloistered paternalism of Bendini, Lambert & Locke is so threatening in itself, its aggression so veiled, that it seems almost comic when you learn the Mafia is really in charge of the firm's operations. What you're inclined to hate about the Mafia, as Grisham presents it, is its vulgarity, the inability of tasteless thugs to appreciate the finer things in life as the exquisite lawyers at Bendini, Lambert & Locke do.

In the Mafia's control over this discreet law firm there is something almost sublimely anti-intellectual, a joke at the expense of big-firm lawyers with big-firm educations. But in the end there's no joke at all, because McDeere outwits everyone. *The Firm* proves only that McDeere is smarter than any institution and, ironically, that he deserved the downtown prices that Bendini, Lambert & Locke were willing to pay for his services. McDeere (like the hero of *Pleading Guilty*, Turow's new novel) ends up with the bad guys' loot, an amount comparable, perhaps, to what he might have pocketed had he sued and won a case against Bendini, Lambert & Locke for loss of compensation. In the legal thriller the sweetest fruit is the one that has been twice stolen.

But legal thrillers aren't usually set in law offices like those of Bendini, Lambert & Locke. Perhaps this is because the emphasis on brand-name luxury makes the analogy with "shopping-and-fornicating" novels too exact, perhaps it is because the atmosphere of gilt-edged cynicism tends to blunt a reader's sympathy. The stock-in-trade of the legal thriller is the district attorney defying the political system, the public defender waging war against the big boys in plush offices who are perceived as bending the law to their own uses. The contest is usually between two visions of the law, the one wealthy, corrupt, rotting from within, the other rotting from self-hatred or vodka but essentially sound, still capable of having its ideals roused.

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The Firm doesn't portray the world inhabited by district attorneys and public defenders, but it does represent the world against which a public defender's life or the life of Frank Galvin, Barry Reed's resolutely disconsolate lawyer, is always defined. The lawyer-opportunist haunts legal thrillers, not the lawyer-statesman, and no one forgets the difference in their fortunes for a second. Early in *The Bonfire of the Vanities*, Larry Kramer, assistant D.A., watches a state supreme court justice named Myron Kovitsky pull up to the Bronx County building in an ancient Pontiac Bonneville. "As a Supreme Court judge, [Kovitsky] made $65,100. Kramer knew the figures by heart. He had maybe $45,000 left after taxes. For a 60-year-old in the upper reaches of the legal profession, that was pathetic. Downtown ... they were paying people right out of law school that much to start." "Downtown" looms large in the minds of the lawyers who live in thrillers, where career ambivalence is as deep as quicksand. That is why those lawyers so often sound like self-justifying prigs: they can hear the footsteps of money all around them, and none of it is walking their way.

Legal thrillers are usually about criminal law, but they tend to take an antiseptic approach to the system as a whole. They tell you no more about the warrens from which prisoners, one by one, are fed into courtrooms than spy novels tell you about life inside the gulag. A thriller is usually a study in individualism, and the peculiar twist of these thrillers is that the system nearly always confirms the individualism of their heroes without taking too high a price and, coincidentally, without ever justifying the system. One of the many things that sets *The Bonfire of the Vanities* apart from the genre is that Wolfe is more interested in the system as a whole. If the travails of Sherman McCoy prove anything, they prove that coming to trial—actually getting your case heard—is the last exquisite torture of a system that's only partly legal. (It's also partly political, partly cultural, partly racial.)

It is hardly surprising that there's a convergence of themes among *The Lost Lawyer*, *Skadden* and the thrillers. Each is, in its own way, a study in the changing character of power in the legal profession, the shift from the white-shoe model of legal discretion at Bendini, Lambert & Locke to the culture of self-promotion at Skadden, Arps, Slate, Meagher and Flom—the change from the resonant ideal of the lawyer-statesman to the despairing career calculations of an assistant D.A. like Wolfe's Kramer.

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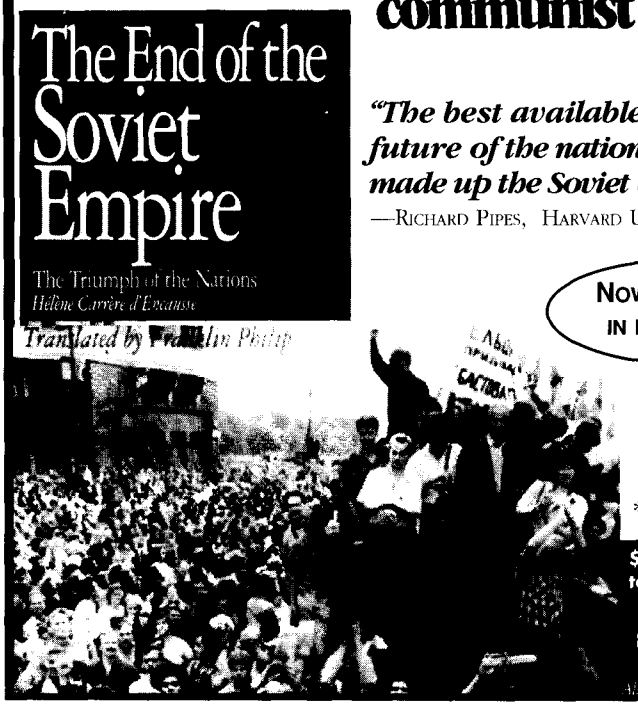

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The causes of these changes may or may not be internal to the profession, but their effects are certainly not. Over time, I think, Americans have come in some perplexed manner to feel that the law itself is noble, but that lawyers are debased. This may have to do with widespread distrust of the legal system as a whole; but it may have to do also with a more pervasive disillusionment with the virtues of work itself, a disillusionment with the kind of spiritual wealth that Thomas Carlyle, for instance, found in turning to the work at hand. Kronman writes, "While the Puritan's vocational democracy rested on the equal capacity of every kind of work to bring salvation, ours is based upon the equal incapacity of all to offer any."

If nothing else, legal thrillers remind us how this happens: young lawyers begin as idealists and are slowly corrupted, not by the law itself but by the practice of the law, by its hollow, material culture, which reflects the prevailing culture outside the law. Young lawyers soon grow jaded enough to look back at still younger lawyers and say, as one character does in *Expert Testimony*, "With experience he will be a smart lawyer, too, but I hope he doesn't get too smart, or he will probably forget what makes him a decent human being." That kind of smartness, we like to believe, belongs to the system, to the profession, not to the law in its nature. That kind of smartness is a token of alienation, not community.

Given our litigious predilections, the one datum that you would expect to find is that lawyers are happy in the abundance of labor, if not in the abundance of esteem, that we give them. Yet that is the one datum that you don't find. In every corner of the profession, lawyers are miserable. Time has seen the lengthening of a lawyer's day, until partners and associates at many firms bill out an average of more than 2,000 hours per year, until "Skadden associates competed to set new records for days worked without sleep." Other things have changed as well. "Refusing to talk too openly about money," Kronman writes, "has in the past been one of the ways in which large-firm lawyers ... signaled their allegiance to the ideal of character that the notion of [legal] craftsmanship implies."

As the nature of what we value has changed, however, the reluctance to talk about money has largely disappeared, because money is the measure by which the value of labor is most easily, most equitably, most openly assessed. It is the only measure that cuts across all professions. That it is an empty measure scarcely matters. What does matter, it seems, is having the stamina to survive the gruntwork of the law. Reading these books, I found myself perplexed by the specter of all that work, all that effort, being committed to the billable hour, when, as Kronman suggests, the belief in the moral value of labor itself has grown questionable. Nobody should rise above his labor, but nobody should be its prisoner, not even a lawyer. •

Reality Bites

BY DENIS DONOGHUE

Excursions in the Real World: Memoirs by William Trevor

(Knopf, 201 pp., $23)

William Trevor and I are the same age, born in 1928, he in Mitchelstown, County Cork, I in Tullow, County Carlow. But our lives have differed in most other respects. For one thing, he got a better start than I did, and he has had, I daresay, more diverse experience. Socially, he has always been above the salt. His father's family was Catholic until sometime in the late eighteenth century, when one of them turned Protestant to avoid the penal laws in force against Catholics. Since then, they have stayed Protestant and therefore have come under respectful notice in Ireland. Not that they are wealthy or powerful. Trevor is nearly as far from the eighteenth-century Anglo-Irish ascendancy as I am. But he has always been more comfortably off. His father was a bank clerk and was eventually promoted to bank manager; mine was a police sergeant and ended his career in that rank. The Trevors had a car, we had Raleigh bicycles. They had a maid, we had my mother. Trevor went to pretty classy schools, including St. Columba's in Rathfarnham, before going to Trinity College, Dublin. I went to ... well, that's another story and not worth telling.

Excursions in the Real World is a book of memoirs, quick sketches of this and that. Many of them tell of Trevor's childhood in County Cork, the local towns, Mallow, Fermoy, Youghal, Skibbereen, with a cast of eccentric natives. Later chapters show Trevor in a wider world: London, Stockholm, Lugano, Venice, New York. He seems to remember everything that happened to him, every street walked, every vista, every stranger met in a pub. In some cases he has enhanced his memory by going back to old haunts:

> A grey figure still marks the heart of Skibbereen, a statue of the Maid of Erin. It's in the way, but has been decreed by referendum to remain. Around it the shops are modest for the most part, the banks big, the bars frequent: a good business town, my father used to say. Memory focuses here, the dredged-up images are clearer. Horses and carts in the narrow streets, with milk churns for the creamery. On fair-days farmers with sticks standing by their animals, their shirts clean for the occasion, without collar or tie. A smell of whiskey, and sawdust and stout and dung. Pots of geraniums among chops and ribs in the small windows of butchers' shops. A sunburnt poster, advertising the arrival of Duffy's Circus a year ago.

There, for once, our memories coincide and I smile in recognition. Duffy's Circus came every summer to my town, Warrenpoint, and no one thought to remove the posters when the clowns had left.

On other matters, however, Trevor's power of recall far exceeds mine. He names the films he saw in Cork, Jack Hulbert and Cicely Courtneidge in *Round the Washtub*, Clark Gable and Myrna Loy in *Too Hot to Handle*, some other stars in *They Died with Their Boots On*. In Dublin he saw *The Fleet's In*, *The Stars Look Down*, *Crash Dive*, *Escape to Happiness* and *La Femme du Boulanger*. I was a student in Dublin during the same years but I couldn't name any film I saw then. Perhaps Trevor has kept a diary. In any case, he is strong on detail. At school he wrote with "a Relief nib forever dipping into the bottle of Stephens's red ink." This prompts me to recall that I wrote with a Waverley nib and Stephens's blue-black ink.

Trevor takes such detail seriously, and so do I. But we differ about the reason. As the title of his book implies, he believes that he knows what is real and what is fictive, where one category ends and the other begins. He speaks of "forays from the territory of fiction into that of reality as it was." I am not convince

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that they are territories or clearly separable. "I became a writer of fiction," Trevor says, "and began—as all fiction-writers do—to refashion the real world, to pick over bits and pieces of experience and use anything that was useful." I question that "all." It rules out the fiction-writers who act upon pure or nearly pure imagination; who don't give any special privilege to what they have witnessed or suffered. One wouldn't gain much by asking Dinesen, Nabokov, Barth or Barthelme what happened to them and how they refashioned it into fiction.

I am bothered, too, by Trevor's claim in a comment on Samuel Beckett:

> Real people and real places got him going. *Waiting for Godot* belongs in the Dublin mountains, where he walked so regularly and knew so well. The Elsner sisters, Beckett's kindergarten teachers in the suburb of Foxrock near Dublin, occur in *Molloy* exactly as they were in life.

Exactly? How would Trevor know? The Elsner sisters came from Stillorgan, not Foxrock, but leaving that aside, isn't there of necessity a shadow, what Yeats called a phantasmagoria, between the sisters and the words on Beckett's page? A scene in Beckett's *Murphy* takes place in the General Post Office, Dublin, but the verbal gap between the two places is incorrigible. Something has passed into language, and the passing makes an irrevocable difference.

Yet Trevor thinks he can hold a firm line between the two scenes. That is why he is a realist: he thinks that reality can be invoked and held stable by linguistic reference. Refer to a thing and it is there. Open *The Stories of William Trevor* at any point and you'll find firm, confidently realistic writing:

> Gordon Spelle squeezed her hand and Angela squeezed back because it seemed a friendly thing to do. She felt sorry for him because he had only one good eye. It was the single defect in his handsome face. It gave him a tired look, and suggested suffering.... "I really must go," Angela murmured, but Gordon Spelle continued to hold her hand. She didn't want to go. "I really must," she said again.

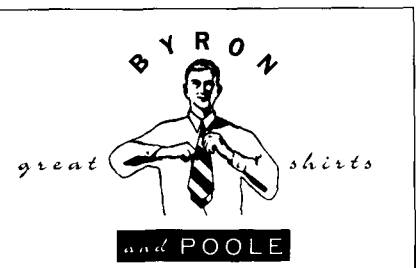
That passage from "Office Romances" is easy to take on trust; its "free indirect style" convinces us that we are among Angela's thoughts. We easily accept that squeezing Gordon's hand back seemed to Angela a friendly thing to do, whether she put it to herself in those words or not. We believe in Gordon and his one good eye. Realism is legitimated by such reference; it appeals to one's prejudice that there is a world out there that can be gathered into such firm sentences as Trevor writes.

The limitation of realism, as Colin MacCabe pointed out a few years ago, is that it cannot present reality as contradictory. It asks to be believed, and it must be credible according to a common sense that holds that reality may be weird, but it may not be in essential contradiction with itself. Trevor is evidently content with these axioms. What he has seen, he has seen. His seeing is his believing. Everything he sees can be accommodated within a perception of the world as real and coherent.

When Trevor believes, he persuades his readers to take his word for whatever he reports. Even the most determined solipsist, reading Trevor's "Beyond the Pale," for instance, would feel that the experiences ascribed to Dekko, Strafe, Cynthia, Milly and the anonymous stranger in Glencorn Lodge, County Antrim, did indeed occur. Or at least that, if they happened, they happened pretty much in this form. The pleasure of reading such a story is that it strengthens one's assumption that we share a comprehensible world, just as we share the English language that gives it over to us. We want to believe in such a world, and Trevor's stories gratify our desire.

Still, it is a consequence of Trevor's trust in the sharing of experience that his writing becomes flabby as soon as it veers from the local facts he knows or thinks he knows. The early chapters of *Excursions in the Real World* are much the best, the most persuasive. Here he is dealing with events he could not think of doubting: his life at home or at school, the unhappiness of his parents, their separation. When he writes about these matters, we never lose faith in him. But when he lets other people designate the facts for him, he capitulates to the zeitgeist as they have announced it. And in that posture, he is just as susceptible as anyone else to the Day-Glo of goings-on, advertising and the tabloids:

> The sixties in London had the flavor of a dream. After the drabness of the previous decade, in which nothing more exciting happened than Ban-the-Bomb marches, the Suez fiasco and a dog propelled into space, all of a sudden there was the razzmatazz of Carnaby Street and the E-Type Jag, and smart Mary Quant bringing fashion they could afford to shopgirls and typists. Flower people ran barefoot in the park, James Bond pushed aside the fuddy-duddy heroes who still trailed a Bulldog Drummond sense of decency and a stiff upper lip. Cannabis was in, LSD if you were daring. Sex set up its stall. *Jesus Christ is alive and well,* the graffiti said, *and working on a less ambitious project.*



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Such writing is easy to read and, I imagine, easy to write: all you have to do is give half your mind to it and let media people do the rest. I don't detect any irony in the passage, any sense that the events it rhymes off are merely the candyfloss of publicity or that reality during the '60s may have been quite different and more exacting. Reading the later chapters, I dreaded that I would come upon Princess Di.

Trevor has not explained why he has written about some experiences rather than other ones. There is no doubt that he has much to choose from. The only criterion, apparently, is that an item must have interested him for a while. He writes most winningly about people he knew: the sculptor Oisin Kelly, the Yeats scholar Peter Allt, the Trinity historian R. B. McDowell. Less scrupulously about people he didn't know: Yeats, O'Casey, Somerville and Ross, Joyce, Beckett, the forgotten novelist William Gerhardie, Maud Gonne. Some of these are disposed of in a glance, often ironic. Yeats, even: "At the drop of a hat, he retailed details of a nightmare in which he was haunted by a sewing machine." Not true. The only sewing machine nightmare in Yeats is the one he had after attending the first performance of *Arms and the Man*. He reports the matter in his *Autobiographies*:

> Presently I had a nightmare that I was haunted by a sewing machine, that clicked and shone, but the incredible thing was that the machine smiled, smiled perpetually. Yet I delighted in Shaw, the formidable man.

Not quite "at the drop of a hat."

Some of Trevor's sketches are mood pieces, and in such work no writer is on oath. Trevor knows Venice well, or at least he writes knowingly about being there. The well-established references keep turning up: Florian's, Quadri's, the Riva degli Schiavoni, the Accademia. But it is odd that he doesn't distinguish sharply, in that chapter, between reality and fancy:

> The doors of the churches have closed, except for those of the basilica: the tranquility of afternoon descends. Postcards are written, the sense of wonderment and carnival conveyed to less extraordinary places. In the Hotel La Fenice et des Artistes a couple make noisy love, their bed-head clattering against their neighbors' wall. Mrs. Haye snoozes in the Europa e Regina. Signor Colossi watches afternoon television in the Calle Lunga San Barnaba.

Trevor can't have been in all those places that afternoon. Maybe he was in one of the relevant bedrooms of La Fenice; or watching Mrs. Haye in the Europa; or with Signor Colossi. But surely he was not in all three. I suspect that he was not in any of them, but fancied such pastimes taking place. It wouldn't bother me, while reading this charming book, except that Trevor makes such a fuss about reality and truth and he claims to be intimate with these values. He asks his readers to believe him for the sufficient reason that he is telling the truth. Mostly I believe him; but in the chapter on Venice and in several other chapters I don't. I'm sorry.

The book ends nearly where it started, in Clonmel, County Tipperary:

> In Nuala's coffee shop housewives consume barm brack and tea, an elderly couple decide on salad sandwiches, young mothers quieten their children with cake. The talk is of the Strawberry Fair, and the Clonmel Festival Majorettes on parade. The town has had its first new heart, and next week will have a new mayor. The *Nationalist* reports that a Clonmel man has been warned that wives are not footballs to be kicked around; three publicans have been fined for after-hours offenses; Tipp's last hope of a title is the minor hurlers on Sunday. In Hickey's bakery the real world presses its claims again, ephemeral, mortal.

Well, yes, I suppose so. But on this last page I become skeptical about every detail. The real world doesn't seem to be pressing its claims very hard. Is the local Clonmel paper the *Nationalist*? I know that the Carlow paper is the *Nationalist*, and I doubt that the Clonmel one has the same name. Then again Carlow wouldn't report offenses against the licensing laws as far away as Clonmel. Of course it doesn't matter; or rather, in another book it wouldn't matter. I feel a little sordid to be nagging like this. But it is Trevor who has insisted that the real is synonymous with the true. If he had called his book *Memoirs and a Few Fancies*, I would have found it—nearly all of it—delightful.

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Women's Hour

BY KAREN LEHRMAN

Fire With Fire: The New Female Power and How It Will Change the 21st Century by Naomi Wolf

(Random House, 373 pp., $21)

Underlying nearly all the commentary on relations between the sexes these days is the notion that we have entered a period of unprecedented contradiction and confusion. A president devoted to equal rights for women now resides in the White House, alongside a First Lady who seems to personify those rights; twenty-eight new female members of Congress have helped press legislation concerning women's health and family issues that had been languishing for years; and in the corporate world, women have been steadily amassing in numbers and rising in status. Meanwhile, what is variously called a gender war, a war against women or a war against masculinity, is supposed to be raging. Issues such as sexual harassment and date rape are allegedly creating a deep and permanent rift between the sexes; women purportedly cheer Lorena Bobbitt; and men are characterized as belligerent or beleaguered, full of defensiveness and fear. A sense of hopelessness prevails.

Not coincidentally, the role of the women's movement, and the popular understanding of feminism, also seem caught in contradiction. Among organized activists and theorists who claim to speak for women and feminism, changing gender roles are typically viewed as part of an ongoing political crisis, and the usual solution that they envisage is to legislate and to enforce behavior. At the same time, orthodox feminist perspectives and policies are increasingly under attack, exposed as out of touch with the attitudes of many—in fact, most—women. Camille Paglia, Jean Bethke Elshtain and Wendy Kaminer, among others, have all criticized the movement's growing inclination toward puritanism, ideological litmus tests and victim-oriented rhetoric and policies.

Naomi Wolf has set out to clear up th

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confusion. In her new book, she demands a new and improved brand of feminism: "power feminism," she calls it. Such a feminism would enable women to make strides personally and politically *and* to bridge the gap between women and their movement. By encompassing men, moreover, it would heal the rift between the sexes. "There is nothing wrong with identifying one's victimization," she argues, which is precisely what she did in her first book, *The Beauty Myth*, an indictment of "male-dominated institutions" for inciting a "violent backlash" against feminism, using "images of female beauty as a political weapon against women's advancement." But now Wolf announces her readiness to move on, to indict "victim feminism" for saddling women with an "identity of powerlessness": "There is a lot wrong with molding [one's victimization] into an identity."

Wolf locates the roots of "victim feminism" in the middle of the nineteenth century, when a number of activists believed that women were not only different from men, but also better than men. Women should have power, the argument went, owing to their special virtues, to their tendency to be more nurturing, more compassionate and more ethical than men. This "Angel in the House" mentality has had a long and fruitful life within feminism: many suffragists used it to help get women the vote, and it has now turned up among so-called "difference feminists." Wolf argues that viewing competition, ambition and aggression as not only innately male, but also as inherently evil, undermines women's quest for autonomy and self-determination.

But Wolf aims her criticism at more than just the rhetoric that portrays women as passive and helpless. She also denounces the feminist movement's ideological rigidity, its bias against sex, money, beauty, power, hierarchy, leadership, men and dissent: "If in order to be called a feminist one must be ecologically sound, pro-choice, anti-militarist, left-wing and convinced of Anita Hill's veracity, then feminism has ensured its helpless status as a perpetual minority party." Wolf criticizes what she calls "insider feminism" for its "tyranny of the group perspective." She describes lecture audiences in which men are "reviled, ridiculed or attacked for no better reason than the fact of their gender"; meetings in which little gets accomplished because no one will take a firm stand; organizations forced to close because of a more-oppressed-the-better culture. The ideal of political sisterhood "problematic": "Happily, we are too diverse, our numbers too great and our relationships with one another, properly, too complex and impersonal now for this model of female connectedness to do its job."

Wolf's "power feminism," by contrast, celebrates individualism, autonomy, personal responsibility and meritocracy. "Feminism means freedom, and freedom must exist inside our heads before it can exist anywhere else," Wolf writes. "Saying I am a feminist should be like saying I am a human being." The roots of power feminism, she believes, can also be found in the nineteenth century, among such leaders as Mary Wollstonecraft, Elizabeth Cady Stanton and Susan B. Anthony. In contrast to "victim feminism," the more individualistic variety has generally celebrated female sexuality, valued intellectual freedom and reason and refused to ask for special favors. It has also included men.

Inverting the poet Audre Lorde's famous line, Wolf's motto is that "it is *only* the master's tools that can dismantle the master's house." Don't sit on the margins and talk in jargon about how oppressed women are, or how powerful the patriarchy is. Use money, use the media, use the political system to create change. She acknowledges that women who are not immersed in feminist theory have done a much better job at this than many activists. And heretically she insists on the progress that women have already made: "We tend to talk about these obstacles [discrimination, domestic violence and so on] as if they were insurmountable, as if we lived under a fascist state in which women can neither earn money nor vote."

Wolf's individualistic criticism of contemporary feminism is not new. Paglia, Elshtain and others have been making similar criticisms for the past several years, for the most part futilely. But this is the first time that the criticism is being offered by a self-described "insider" feminist. And such a perestroika, especially in the hands of a media favorite such as Wolf, would mark a real and important watershed—except that the revolt from within never quite happens. Wolf ably uses the language of individualism to make her case, but her reasoning finally falls into line with the traditional collectivist mentality of the contemporary women's movement. Rather than successfully breaching the sexual rift, Wolf has produced a document that reflects the reigning confusion.

Her central point is that the women's movement should now be seen as a big tent open to all kinds of women, that individual feminists should feel free to exercise their own "line-item veto." At

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the same time, however, she maintains that women must seize "power" with a "concerted, unified effort." What remains unclear is which women, exactly, Wolf is referring to. Depending on which page you read, the answer is either all women or women who best represent "women's needs." And how will this power "change the twenty-first century," as Wolf's subtitle says? Again, it depends on the page. It may produce more justice and fairness, or it may not.

Throughout her book Wolf refers to a "woman's point of view" and to "women's wishes," and describes how a "political ruling class" would bring the "female side" into politics: "If women were to harness the power of their majority, they would be hard to obstruct"; "We can only [move out of victimization] by uniting toward more power"; "When women have money, the opposition has no choice but to listen." She talks endlessly about getting more voices of women into the media, though the voices of such women as Jeane Kirkpatrick and Margaret Thatcher are perfunctorily discounted.

This is still very much the traditional "insider" view, in which women are seen as part of a monolithic gender, a sisterhood, with essentially one set of opinions and values, with essentially, well, an essence. While the notion of multiculturalism pushed the feminist establishment to take note of the fact that women have different experiences, it is still assumed that all women have the same (leftist) political views. This perspective holds sway in the discourse of most feminist activists; in most women's studies courses; in the National Organization for Women's conception of a new "woman's party" and support of legislation mandating that Congress and corporate boards be at least 50 percent female; in the desire to mobilize young women (though not young men) for a Third Wave of feminist activism. Wolf says that she seeks "gender parity"—women representing their rightful 51 percent in Congress—by the year 2000, and she supports the British Labour Party's resolution that "women must represent the party at the next general election in 50 percent of its target seats," and Norway's Equal Status Act, which ensures that at least 40 percent of all public boards be composed of women.

According to surveys, women voters do tend to support a slightly greater role for government in domestic affairs than do men, and a lesser role for the military. But that hardly translates into a "woman's political voice." Indeed, women voted to elect Bill Clinton by only a slightly higher percentage than men (45 percent compared to 41 percent); and that gender gap was actually smaller than in 1988. There is no question that, at this time, female lawmakers are going to give greater priority to "family" issues, as well as to issues concerning women's health. As the primary caretakers, women still retain more interest—and they may still claim greater experience—in these matters. Implicit in Wolf's argument, however, is the expectation that only women can solve these problems, and that they would all offer the same solutions.

At another point, though, Wolf writes: "The right question to ask is simply how to get more power into women's hands—whoever they may be, whatever they may do with it." In truth, that is exactly the wrong question to be asking at this time. We shouldn't be putting women in office just because they are women. We—women and men—should vote for women only if they are qualified and only if they suit us, the same standards that we apply to male candidates. Of course, we should applaud the fact that increasing numbers of women have chosen to run for office, for the same reason that we should applaud any breakdown of stereotypes. But the achievement of true equality requires that the focus remain on ideas and merit, not on gender and results. Though it comes masked as a call for giving women of all ideological hues "power," the underlying assumption of proportional representation, of beancounting, is still that women are, in matters of politics, interchangeable.

Both types of gender-first thinking ultimately undermined the campaigns of women candidates in 1992. Many ran on their gender: vote for me because I am a woman. This soon translated into: don't vote for me and you are a sexist. Qualifications were typically downplayed in favor of the putative benefit of gaining women's special political views or virtues. This affirmative action in electoral politics has produced the phenomenon of Carol Moseley Braun, who is now considered the most powerful freshman senator, despite her numerous ethical lapses and her lack of any real accomplishments.

The same sort of contradictions characterize Wolf's criticism of the movement's orientation toward the victim. Distinguishing herself from other critics who have pejoratively used the term "victim feminism," Wolf explicitly endorses the "act of documenting the way others are trying to victimize women." This, she claims, "is the very opposite of treating women as natural victims.... The point of exposing the information is that women deserve to decide such cases for themselves." Wolf is obviously right, to a degree: there is nothing wrong with documenting the very real dangers that women still face, and she appropriately chastises Katie Roiphe's *The Morning After*, which derides the extremism of "rape crisis feminists," for its self-consciously blasé position. Rape is plainly an issue in need of more scrutiny. Many women and jurists still don't believe that you can be raped by someone you know, or if you dress a certain way; rape remains the most underreported crime; the system still sends far too few rapists to prison; recidivism is higher among rapists than among any other type of criminal.

But what Wolf refuses to recognize is the difference between giving an accurate accounting of the problems that women still face and exaggerating or distorting these problems, blaming them entirely on the "patriarchy," or interpreting all "negative" personal and cultural trends as political issues. It is precisely such reflexive impulses that characterize "victim feminism" at its core, and unfortunately Wolf's second book, like her first, turns out to be an illustration of the genre rather than the exception that it purports to be.

Central to Wolf's argument is the claim that a "genderquake" began in October 1991 with the Anita Hill hearings. After the "genderquake," all that is good—politically, culturally, professionally, personally—happened to women. Before the "genderquake," women were endlessly oppressed, especially during the "backlash" of the '80s. The bulk of *Fire With Fire* is devoted to blaming the "backlash" in general, and the media more specifically, not only for women's problems, but for the movement's problems as well. Indeed, nearly every one of the movement's problems that Wolf bravely identifies, as though in preparation for some painful self-scrutiny, is promptly blamed on an external cause. Impenetrable feminist theories are the fault of the media's blocking all more accessible discussion of women's issues; sexism forces women writers not only to concentrate on "women's issues," but to write about them from an orthodox perspective; a feminist bookstore is "reluctant" to stock Camille Paglia because of the "stifled debate." Throughout her book Wolf deploys the facts so that she never has to place too much responsibility on feminists. And she is no beyond outright circular reasoning if i serves that delicate purpose; she mair tains that the extremism of "rape crisis feminists was merely a response to th

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"trivialization" of the subject in the media, and then supports this by citing media criticism of the extremism.

Casting the blame externally, of course, not only saves Wolf from ostracism by other "insiders," it also relieves those who are at fault of any reason to change. Not coincidentally, the external forces that she identifies never act alone; they are typically part of some larger conspiracy. In her better moments, Wolf denounces this kind of thinking. Yet she also reports: "If women have an aversion to 'feminism,' it is indeed largely the fault, as the *Ms.* foundation report concludes, of a 'persistent and expansive campaign on the part of the mass media, the religious right and others' to discredit the movement."

Moreover, Wolf fails to see the inherent contradiction of the "backlash" analysis: If there was such an intensive political and cultural effort to oppress women during the '80s, how is it that women were so perfectly poised, as soon as the decade ended, to take the world by storm? Wolf describes the decade as a period in which "a successful anti-feminist drive rolled back women's rights." Which ones? She never tells us. There is no question that the Justice Department tried to weaken discrimination laws during the Reagan and Bush years, and that abortion rights were nearly eviscerated. Some social conservatives would have liked to do the same to women's right to work outside the home, to have sex before marriage and to use birth control. But they got nowhere close to succeeding. The most common charge—that the Equal Employment Opportunity Commission stopped fulfilling its enforcement mission during the '80s—obscures an important shift of focus: the EEOC began to place less emphasis on cases based purely on statistical analysis—on quotas—and more on cases alleging tangible patterns and practices of discrimination.

In fact, while Wolf carefully lists all of the progress that women made after October 1991, she neglects to discuss the progress made during the previous decade. There were real advances. The number of women owning small businesses doubled; the number of women in management positions more than doubled; women began earning more bachelor of arts and science degrees than men. Women's earnings went from sixty-four cents for every dollar earned by a man to seventy-two cents, and the figure is even higher for young women (seventy-nine cents). Indeed, women gained more in earnings in the '80s than in the entire postwar era before that. Moreover, many "women's issues" fared well in Congress: among other things, Congress strengthened the system for collecting child support and the law prohibiting sex discrimination in federally funded educational institutions, and substantially increased funding for battered women's shelters. The Supreme Court defined sexual harassment as a form of discrimination, and ruled that gender-based differences in pension plans were illegal. Finally, it was during this period that many of the female candidates of Wolf's "genderquake" climbed their political career ladders.

Wolf's own evidence undermines her cultural backlash argument. She writes that "before the genderquake, women seldom saw images of female victory in mainstream culture," yet nearly half of her examples of images of "female mastery" are from that period. And what exactly are we supposed to make of the fact that baby doll dresses have been in and out of fashion a couple of times since October 1991? Cultural "signators" can be telling, but they can also be preposterously overinterpreted. While images of strong, independent women are certainly helpful, women do not have a Pavlovian response to "repressive" imagery, as Wolf herself acknowledges later in the book: they have been doing quite well with plenty of it around.

Wolf laments on one page that "media omission of debate on 'women's issues' [was] so absolute that it amount[ed] to a virtual news blackout," but on another page she writes that "women journalists had the stature to recognize and treat the [Anita Hill] charges as news.... Without the women in the media, all these parties could not have linked up in the unstoppable chain reaction that ushered in the new era." Although Wolf discusses the women's movement's silencing of dissent, she fails to acknowledge that, despite the cracks in the orthodoxy in recent years, this silencing is far more draconian than anything the media has managed. As a result, the mainstream media still typically reflects the established feminist line on issues relating to women.

Even Wolf's discussion of the progress that women have made since the "genderquake" is continually undermined by an inflated view of the problems that women still face. Two paragraphs after she has rightly denounced the notion that women live in a "fascist state," she declares that women are "harmed and held back in every way." Throughout her book she seems to find sweeping declarations of structural oppression impossible to resist. "When some feminists and other left-wing activists on campus cut speech short or circumvent due process, they are acting out of despair. But their impatience comes from understanding correctly that 'the system' is corrupt." Or: "Women and other 'oppressed' people are differently situated than white men and, therefore, often cannot take possession of their basic rights." Like many feminist writers, Wolf still seems to suffer from the expectation that an entire revolution should have occurred overnight.

It didn't; but a political and cultural transformation has indisputably taken place, and a major problem now lies in the failure of the women's movement to accommodate to the change. The argument that women, like other minorities, represent an oppressed economic class was an important tool in formulating the two most crucial civil rights laws—the Equal Pay Act of 1963 and the employment provision (Title VII) of the Civil Rights Act of 1964—and a host of others that prohibited sex bias in help-wanted ads, education and the extension of credit. Changes in protective labor, criminal, divorce and rape laws were also based on this concept, as was the legal recognition of sexual harassment. But as the movement succeeded in obtaining equal rights and opportunities for women throughout the past thirty years,

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the reliance on the collective, politicized perspective should have grown increasingly weak. Instead, it has become heavier.

This is not to say that the political work is finished. It is not finished. But Wolf, like the "insider" feminists she purports to be improving upon, brings more intellectual confusion and rhetorical extremism than clarity and realism to the work that remains. Some level of discrimination will probably always remain, making the EEOC and watchdog groups always necessary. Although gaps in pay continue to close as women gain education, skills and experience, "glass ceilings" are still ubiquitous. We have not yet reached the point, in short, where employers can look at women only as individuals. But policies such as affirmative action and comparable worth (a.k.a. "pay equity"), which most women's groups still advocate, should be seen to be potentially as counterproductive as political bean-counting. Of course, single motherhood, teen pregnancy and inadequate health care for poor women, as well as family leave and child care, are integral to feminism in its broadest sense. Yet surely these social and economic gnarls are not amenable to any one solution that can be called "feminist."

The elitist, enthusiastic tone of Wolf's political agenda, which pays little attention to such matters, can be galvanizing. Her book properly belongs to the genre of inspirational literature. Yet it is also distorting, and in the end trivializing. Instead of simply saying that women have to learn to be self-reliant, or urging that they receive training in self-defense, she celebrates gun ownership among women as a sign of progress beyond victimhood, peddling inaccurate statistics put out by pro-gun groups that purport to prove that guns protect against women's victimization. (More reliable figures show that gun ownership correlates with a higher incidence of violence *suffered* by women.) Instead of simply saying that feminist anger should be better targeted, she writes that activists shouldn't appear so angry all the time: abortion rights activists shouldn't use coat hangers to fight for abortion; rape crisis centers should be made less "gloomy." (She suggests hanging "a reproduction of Cezanne's apples.") Her refrain is that "feminism should be fun."

To be sure, Wolf's peppy insistence that women should go out and take what they want, rather than glumly wait for society to change, is a useful antidote to the beleaguered tone of prevailing feminist rhetoric. "Which feminism should we choose?" Wolf asks at one point. "I submit that we choose the one that works." But her pragmatism leads her mostly toward networking for the more privileged. Thus she encourages women to form "power groups" to pool their resources and to pass them around to their friends, as men do. Other suggestions promote a tireless quota consciousness: women alumni should stop giving to colleges until they grant women professors tenure at the same rate as men and achieve parity in admissions for women students; women should call 900 numbers to complain about lack of media coverage or, even better, install a "Billboard of Media Mortification" over Times Square. Though her intent is clearly the opposite, ideas such as these come off as cute and condescending to women, and, ultimately, useless.

Unlike Wolf's exhortations to seize the political moment, her call to women t

Creation According to Ovid

In the beginning was order, a uniform
Contending: hot cold, dry wet, light dark
Evenly distributed. The only sound

A celestial humming, void of changes
(*Playing the changes*, jazz musicians say).
And then the warring elements churned forth

The mother-father Shiva or Jehovah,
The dancing god who took a hammer and smashed
The atoms apart in rage and disarranged them

Into a sun and moon, stars and elements,
Ocean and land, the vegetation and creatures—
Including even Ovid playing the changes

In his melodious verses, including even
God the creator: himself divided male
And herself female by the sundering hammer

Held prancing, one foot on earth, one lifted in air.
From heaven to earth god came to visit the bodies
Of mortals, making himself a bull, an avid

Shower, a gibbon, a lotus. And to the one
Who had his child inside her, he promised to come
In any form she named. "Come to me naked,"

She said, "as in heaven with your sister-wife."
God wept, because he knew her human frame
Could not sustain that radiance, but he danced

For her and became an annihilating burst
Of light that broke her. God grieved, and from her body
He took the embryo and tearing his thigh

Sewed it up into the wound, and nine months later
Delivered the merry god whose attributes
His many titles embody: *Drunkard*; *Goat*;

The Twice Born—from the mother, then the father;
The Horned—because his father was a bull-god;
Sacrificed who dies and rises, and also *Slayer*;

The Orgiast and *The Tragedy Lord*; *The Liar*;
Breaker of Palace Walls; *The Singer* (all listed
In *Metamorphoses*, which Ovid burned

In manuscript because it was unfinished
When he was exiled, though other copies survived);
Disrupter, Smiler, Shouter in the Night.

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define boldly their own personal moments is often inspiring. As a motivational figure, Wolf has considerable power; she recognizes the hurdles in the way of action, but she also knows how to rouse the energy to confront them. In her list of "Psychological Strategies," she writes: "Make it socially acceptable for women to discuss their skills and achievements"; "Practice asking for more money, and urge our friends to do so"; "Question the ritual in which we bond with other women by putting down achievers or leaders"; "Create private pantheons ... of women, real or mythical, who braved dissent, created controversy, showed leadership and wielded power."

This kind of personal "empowerment" has now been relegated to the self-help sections of book stores, and insider feminists tend to dismiss it as "blaming the victim." But it was integral to the consciousness-raising of the late '60s and the early '70s. Unfortunately, by the time women of Wolf's generation (and my own) came of age, it was largely gone from feminist tracts and rhetoric. Many of us could have used this talk. It is far more strengthening than repeatedly hearing how oppressive the patriarchy is.

The same emphasis on personal responsibility informs Wolf's discussion of the issues of date rape and sexual harassment: "I would rather my daughter learned to talk back or yell back or tease back than that she try to grow up in an environment in which a new code of conduct based upon her powerlessness and delicacy hamper her and 'protect' her like invisible stays and petticoats." Indeed, at times Wolf comes heretically close to saying that what is needed is a depoliticization of sexual relations: "What do we do when we find that even after all of that heightened consciousness, there is a desire—not for violence—but still for the play of pursued and pursuer, possessor and possessed?" She adds that "these longings to have the other and to give oneself are not political, not imprints of the evil patriarchy contaminating even our most secret dreams."

To emphasize this point, Wolf boldly personalizes her anti-puritanical message. At times, though, her writing on this delicate subject sounds more like exhibitionism than exhortation. Instead of simply saying that most men are not rapists, that desiring and loving men should not be viewed as politically incorrect, that sexual autonomy is essential to women's sense of self-worth, Wolf has continuously offered readers details of her own sex life, as though her example—and her lack of inhibition—points the way to happiness. ("I have seen the word 'love' trigger an erection"; "I have done abject deeds for sexual passion"; and so on.) To be fair, this sort of strident sexual confessionalism seems to be part of a trend. *Esquire* recently ran a profile of Wolf and other "do me" feminists who argue, correctly, that women can now have enough control over their sexuality to write their own social rules. These feminists have decided to use sexual exploitation constructively. At the same time, unfortunately, they all try to outdo each other in discussing sex in the most vulgar terms. This exhibitionism is a long way from liberation or empowerment; in-your-face sexuality displays as much insecurity as the repressed kind.

In general, Wolf's personal strategic compass often makes her "power feminism" look uncomfortably like mere celebrity feminism. She possesses an uncanny ability to discern the zeitgeist on feminist issues and to accommodate herself accordingly. Given the nature of the media, of book publishing and of her own mediagenic person, to some degree this is inevitable. And given her motivational capabilities, this might be applauded, except that this, too, is undermined by her intellectual inconsistencies. On the one hand, for example, she tells feminists that they must use "seductiveness" in the process of "mastering the media" and is not sparing with alluring photographs of herself. On the other hand, one of those shots recently accompanied a piece in *Mirabella* in which she calls images of beautiful and "sexually perfect" women repressive.

It is equally unfortunate that Wolf doesn't follow her individualistic rhetoric to its conclusions. That would mean retiring the notion that women represent a homogenous gender, that their personal lives always require political interpretation, that they need to be part of a self-consciously unified "women's movement." When insider feminists stop clinging to these ideas, real debate will emerge among women. And then perhaps we will discover that women and men are not as polarized on issues of "gender" as it seems, that few individuals of either sex agree with the extreme behavior modification policies now being anxiously adopted by universities, the corporate world and Congress. Feminism, by most accounts, has been a huge success. Now we must all learn to live with it.

KAREN LEHRMAN, literary editor of *The Wilson Quarterly*, is writing a book on feminism and American culture for Anchor Books.

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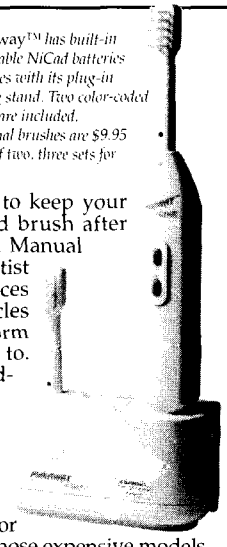

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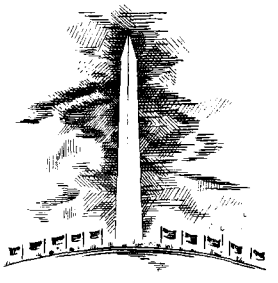
WASHINGTON DIARIST

A steal

"THAT'S OUR CAR!" MY 9-YEAR-OLD daughter, Eleanor, shouted as we drove around the low-rent suburb of Wheaton looking for our Ford Taurus. That morning, we had woken to find the car stolen. A Montgomery County policeman—let's call him Officer G—had come over right away and taken a statement. He'd left his number in case our insurance company wanted to contact him. A few hours later, a man in Wheaton phoned to say that while walking his dog, he had picked up a gasoline credit card with my name on it. It was our first clue: the card had been in the car's glove compartment. I immediately called Officer G but got his answering machine. When I called 911, I was told to call another number. After five minutes of busy signals, my wife and I and our two daughters set off to find the car ourselves.

WE PICKED UP THE CREDIT CARD and drove around some more. After a while we gave up looking and headed to a restaurant for dinner. That's when Eleanor spotted a single male—a Latino in his 20s, my daughters said—driving our Taurus. We gave chase, stupidly believing that if we caught up to him, we could convince him to abandon the car. We weaved up and down narrow streets and across busy intersections, but our humble Ford Escort proved no match for its younger, more powerful sibling. While the thief was still in our sights, I pulled up alongside a family unloading groceries in front of their house. I jumped out and quickly explained that I had to call the police. I dialed 911 and was told by the operator to stay where I was; the police would be right there. We waited an hour, but the police never arrived. And Officer G never returned our first or subsequent calls. The police, I concluded, treat car theft as a residential inconvenience—something to be remedied by insurance companies and car alarms rather than by the strong arm of the law.

THE STORY DIDN'T END THERE, however. Right after we discovered the car stolen, I called my State Farm insurance agent, K, who, as usual, wasn't in. Two days later K called to tell me that State Farm waits thirty days before declaring a car lost, meaning it must be missing for a month before they will cut you a check for its book value. K added that the company would reimburse me $16 per day for a rental car—more than enough to cover our costs, he assured me, though I couldn't find a rental for less than $29 per day. K then sent us to T, a claims specialist at the county State Farm office who would handle our case. From our first conversation, T was uncommunicative and surly. She grilled me at length about my car, expressing disbelief that I couldn't recall its upholstery. (Getting irritated myself, I asked her if she knew how much RAM her computer had.) She also conveyed the distinct impression that she didn't believe our car had really been stolen.



UNSURE OF WHAT ELSE to do, I decided to wait for the thirty days to elapse. In the meantime, I went out and spent fifty dollars on The Club, the car security device hawked on late-night T.V., and locked it onto the steering wheel of the Escort. On the twenty-eighth day, the Laurel police notified us that our car had been found in a park: it had been crashed, and its front wheels were propped on top of a picnic table. It had already been towed to a junk lot, where we found it slumped on the ground, its right front wheel smashed. We had seen enough cars and car wrecks to know our Taurus might never recover. After we claimed it, however, the lot attendant explained that we couldn't take it back or have it repaired ourselves; he was required to tow it to the nearest Ford dealer. This was more bad news, since we've had nothing but bad luck when our cars have been serviced by Ford dealers. Last year, when three trips to the dealer failed to quiet a crowd-stopping squeal in my brakes, I got so upset that I wrote a letter to CEO Harold "Red" Poling, warning him that his company was testing my commitment to buy American. He never wrote back.

AFTER TWO WEEKS MORE OF WAITing, repeated unanswered calls to Claims Specialist T and $406 in rental charges, we got our car back from Ford in Laurel—and it was still far from fixed. The dealer had found damage to the front axle—evidenced by an ominous clicking—but the State Farm adjuster claimed the damage could not have been due to our car hurtling off the road and landing on its front axle. When I finally got T on the phone, I explained to her that the car had had a complete check-up a month before it was stolen, and I offered to send her the receipt. That's when T showed her hand: she informed me that State Farm could not pay to repair the damaged axle because there was no proof that the car had been stolen. "We can't see that the car was driven," she said. "We can't pick up the damage if the car wasn't driven."

THAT WAS MY LAST CONVERSATION with Claims Specialist T. From then on, I insisted on dealing with her supervisor, J, who begrudgingly agreed to fix the axle. We took the car back to Ford, and when it was returned, the click was gone, but the car still didn't seem to steer properly. It drove as if there were an invisible hand turning the wheel to the left. We tried replacing the other front tire, but that didn't help. Finally, we took it to our local Shell station. The mechanic, B, called me a few hours later. "This car has been in a crash, hasn't it?" he asked. It was the first sign of higher intelligence I had witnessed in the months since our car was stolen. According to B, the sway bar was bent, causing our Taurus to veer dangerously as we drove it. After repeated calls to State Farm, and the submission of B's written report, J finally agreed to send an adjuster to see the car for a second time. The adjuster confirmed that the sway bar was bent, but he concluded that it could not have happened when our car was stolen, since the Ford dealer had not discovered it earlier. When J told me the adjuster's finding, I started yelling. To appease me, he offered what he claimed was a solution: State Farm would pay to repair the damage if I filed a claim for a second, imaginary accident. That sounded all right until my agent, K, told me that I would have to pay a $250 deductible on the claim and a surcharge on my premium. I called J back and blew up again. This time, he turned me over to a new claims specialist, M, who expressed great sympathy for me but refused to second-guess the adjuster's finding.

IT IS NOW MORE THAN FOUR WEEKS later. We've had the car fixed without filing a claim, though it doesn't drive the way it used to. Overall, we've spent about $1,200 as a result of our car being stolen—expenses that one assumes insurance premiums are supposed to cover. And the guy who stole the car is probably still cruising around Wheaton in other people's cars. Yet one can always look at the bright side. Counting the salaries of Officer G, Agent K, Claims Specialists T and M, and Supervisor J, plus the money spent on towing, repair, car rental and security devices, my car theft has pumped about $5,000 into the Maryland economy. No wonder our state is booming again.

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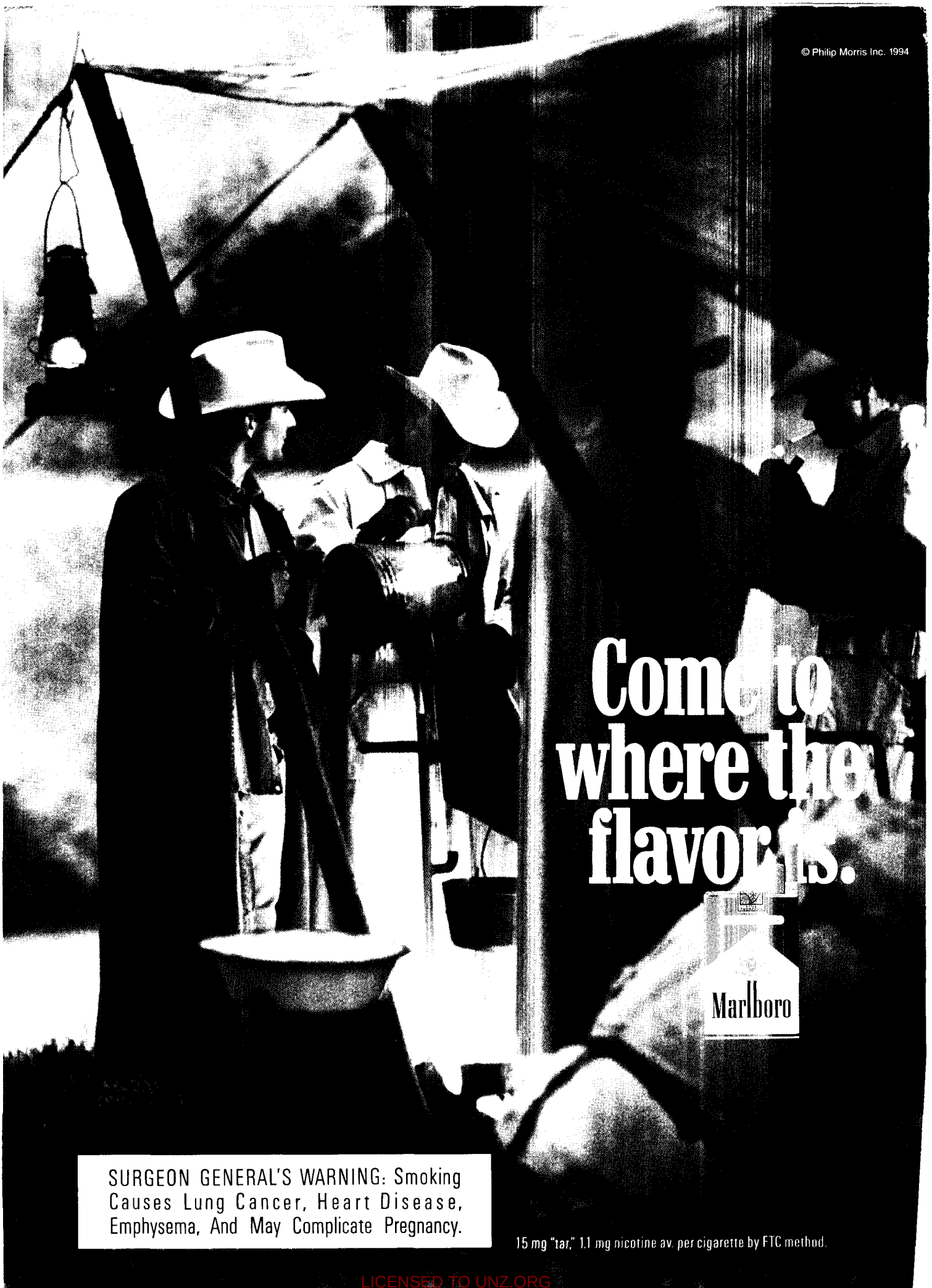
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